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H. W. WILEY, Chief.

FOODS AND FOOD CONTROL.

[IV.]

BY

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LETTER OF TRANSMITTAL.

U. S. DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY, OFFICE OF THE CHIEF,
Washington, D. C., October 7, 1902.

SIR: I have the honor to transmit herewith for your inspection and approval a manuscript containing the food laws now in force in New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, and the Philippine Islands. I recommend its publication as Bulletin No. 69, Part IV, of the Bureau of Chemistry.

Respectfully,

H. W. WILEY, *Chief.*

Hon. JAMES WILSON,
Secretary of Agriculture.

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FOODS AND FOOD CONTROL—IV.

NEW YORK.

The State board of health is charged with the enforcement of all food and drug laws, except those relating to dairy and agricultural products, which are enforced by the State board of agriculture.

GENERAL FOOD LAWS.

1. *Short title.* This chapter shall be known as the agricultural law.

2. *Commissioner of agriculture; salary; assistants, etc.* There shall be a department of the state government known as the department of agriculture, which shall be charged with the execution of the laws relating to agriculture and agricultural products. The commissioner of agriculture shall be the chief of the department. The New York state dairy commissioner shall be the commissioner of agriculture until his successor shall be appointed and qualified. The commissioner of agriculture shall be appointed by the governor, by and with the advice and consent of the senate. His term of office shall be three years. He shall be paid an annual salary of four thousand dollars and his necessary expenses not to exceed five hundred dollars, incurred in the discharge of his official duties. He may appoint a director of farmers' institutes and such clerks and assistant commissioners and employ such clerks, chemists, agents and counsel as he may deem necessary for the proper enforcement of such laws and the proper administration of the department, who shall receive such compensation as may be fixed by him and their necessary expenses. The compensation of his clerks, assistants and other persons employed by him and such necessary expenses shall be paid on his certificate by the treasurer on the warrant of the comptroller. All other charges, accounts and expenses of the department authorized by law shall be paid by the treasurer on the warrant of the comptroller, after they have been audited and allowed by the comptroller. The trustees of public buildings shall furnish suitable rooms for the use of the department in the new capitol.

3. *Inspection and sampling.* The commissioner of agriculture, his clerks, assistants, experts, chemists, agents and counsel employed by him, shall have full access to all places of business, factories, farms, buildings, carriages, cars and vessels used in the manufacture, sale or transportation within the state of any dairy products or any imitation thereof, or of any article or product with respect to which any authority is conferred by this chapter on such commissioner. They may examine and open any package, can or vessel containing or believed to contain any article or product, which may be manufactured, sold or exposed for sale in violation of the provisions of this chapter, and may inspect the contents therein, and take therefrom samples for analysis.

4. *Expert butter and cheesemakers.* The commissioner of agriculture may appoint and employ not more than five expert butter and cheesemakers, who shall, under his direction, examine and inspect butter and cheese factories and attend at agricultural fairs, societies and meetings designated by the commissioner, to impart thereat information as to the best and most approved method of making butter and cheese and improving the quality thereof.

5. *Annual report.* The commissioner of agriculture shall make an annual report to the legislature on or before January fifteenth, of his work and proceedings for the

year ending September thirtieth, next preceding which shall include a statement in detail of the number of assistant commissioners, chemists, experts, agents, and counsel employed under the provisions of this chapter during such year, and their compensation, expenses and disbursements; and also a statement in detail of the expenditures of moneys appropriated for the state agricultural society, the county agricultural societies and the New York agricultural experiment station; and other agricultural purposes and estimates of the amounts required for all such purposes for the ensuing year. He may require the state agricultural society and the county agricultural societies to make reports to him and prescribe the form of such reports.

6. *Certificate of chemist presumptive evidence.* Every certificate, duly signed and acknowledged, of a chemist, analyst or other expert employed by the commissioner of agriculture or any analysis, examination or investigation made by such analyst, chemist or expert with respect to any matter or product which the commissioner has authority to examine or cause to be examined, shall be presumptive evidence of the facts therein stated.

7. *Evidence; principal's liability for act of agent.* The doing of anything prohibited by this chapter shall be evidence of the violation of the provisions of this chapter relating to the thing so prohibited and the omission to do anything directed to be done shall be evidence of a violation of the provisions of the chapter relative to the thing so directed to be done. The intent of any person doing or omitting to do any such act is immaterial in any prosecution for a violation of the provisions of this chapter. Any person who suffers, permits or allows any violation of the provisions of this chapter by his agent or servant, or in any room or building occupied or controlled by him, shall be deemed a principal in such violation and liable accordingly.

8. *Prosecution for penalties.* Whenever the commissioner of agriculture shall know or have reason to believe that any penalty has been incurred by any person for a violation of any of the provisions of this chapter, or that any sum has been forfeited by reason of any such violation, he may cause an action or proceeding to be brought in the name of the people for the recovery of the same.

9. *Disposal of fines, etc.* One half of all money recovered, either as penalties, forfeitures or otherwise, for the violation of any of the provisions of this chapter, and from fines imposed as a punishment for any criminal offense committed in violation of the provisions of this chapter, or of the penal code relating to the punishment of criminal offenses committed in violation of the provisions of law for the prevention of frauds in the manufacture or sale of any of the articles or products to which this chapter relates, shall be paid by the court or the clerk thereof to the city or county where the recovery shall be had or fine collected for the benefit of the poor of such city or county, except in the city and county of New York and the city of Brooklyn, where the same shall be paid to the proper authorities, and equally divided by them between the pension funds of the police and fire departments. The residue of such moneys shall be paid into the treasury of the state, and paid out by the treasurer, upon the warrant of the comptroller, for the purpose of defraying the expenses of the department of agriculture, audited by the comptroller. The same disposal shall be made of all moneys recovered upon any bond given by any officer by virtue of the provisions of this chapter.

10. *Injunctions.* In an action in the supreme court for the recovery of a penalty or forfeiture incurred for the violation of any of the provisions of this chapter an application may be made on the part of the people to the court or any justice thereof for an injunction to restrain the defendant, his agents and employes from the further violation of such provisions. The court or justice to whom such application may be made, shall grant such injunction on proof, by affidavit, that the defendant has been guilty of the violations alleged in the complaint, or of a violation of any such provision subsequent to the commencement of the action, and in the same manner as injunctions are usually granted under the rules and practice of the court. No security

on the part of the plaintiff shall be required, and costs of the application may be granted or refused in the discretion of the court or justice. If the plaintiff shall recover judgment in the action for any penalty or forfeiture demanded in the complaint, the judgment shall contain a permanent injunction, restraining the defendant, his agents and employes, from any further violation of such provision of this chapter. Any injunction, order or judgment obtained under this section may be served on the defendant by posting the same upon the outer door of the defendant's usual place of business, or where such violation was or may be committed, or in the manner required by the code of civil procedure, and the rules and practice of the court. Personal service of the injunction shall not be necessary when such service can not be secured with reasonable diligence, but the service herein provided shall be deemed sufficient in any proceeding for the violation of such injunction.

10a. *Preference on court calendar.* An action now or hereafter brought to recover a penalty provided by section nineteen of said act chapter one hundred and eighty-three of the laws of eighteen hundred and eighty-five, shall have a preference upon the calendar of the courts of record of this state next after civil causes entitled to a preference under the provisions of subdivision one of section seven hundred and ninety-one of the code of civil procedure, where the attorney for the people therein has given notice, at the time of the service of notice of trial or argument, of a particular day in a term on which he will move it. If the action is not moved by him for trial or argument on that day, or as soon thereafter in the same term as the court can hear it the other party may then move the trial or argument, otherwise it shall not be moved out of its order at that term except by the special order of the court. The note of issue filed by such attorney for the people shall state the day in the term on which he has given notice that he will move it, and the clerk of the court shall place such cause upon the day calendar of that day as a preferred cause as hereinbefore provided. No order for the clerk to do so shall be necessary.

11. *Prosecution not compelled to elect between counts.* In an action for a penalty or forfeiture incurred by reason of the violation of the provisions of this chapter, when the complaint charges a violation of any two or all of such provisions, the plaintiff shall not be compelled to elect between the counts under such different provisions, but shall be entitled to recover if it is found that a violation of any one of such provisions has been committed for which a penalty or forfeiture is imposed.

12. *Method of sampling and analysis, especially of milk.* When the commissioner of agriculture, an assistant commissioner, or any person or officer authorized by the commissioner, or by this chapter, to examine or inspect any product manufactured or offered for sale shall, in discharge of his duties take samples of such product he shall before taking a sample request the person delivering the milk^a or who has charge of it at the time of inspection, to thoroughly stir or mix the said milk before the sample is taken. If the person so in charge refuses to stir or mix the milk as requested, then the person so requesting shall himself so stir and mix the milk before taking the sample, and the defendant shall thereafter be precluded from introducing evidence to show that the milk so taken was not a fair sample of the milk delivered, sold, offered or exposed for sale by him. The person taking the sample of milk for analysis shall take duplicate samples thereof in the presence of at least one witness and he shall in the presence of such witness seal both of such samples, and shall tender, and if accepted, deliver at the time of taking one sample to the manufacturer or vendor of such product, or to the person having custody of the same, with a statement in writing of the cause of the taking of the sample. In taking samples of milk for analysis at a creamery, factory, platform, or other place where the same is delivered by the producer for manufacture, sale, or shipment, or from a milk vendor who produces the milk which he sells, with a view of prosecuting the producer of

^aSo in statutes.

such milk for delivery, selling or offering for sale adulterated milk, the said commissioner of agriculture or assistant, or his agent or agents shall within ten days thereafter, with the consent of the said producer, take a sample in a like manner of the mixed milk of the herd of cows from which the milk first sampled was drawn and shall deliver the duplicate sample to the said producer and shall cause the sample taken by himself or his agent to be analyzed. If the sample of milk last taken by the commissioner of agriculture or his agent or agents shall upon analysis prove to contain no higher percentage of milk solids or no higher percentage of fat than as the sample taken at the creamery, factory, platform, or other place, then no action shall lie against the said producer for violation of subdivisions one, two, three, seven, and eight of section twenty of the agricultural law. In taking a second sample as above set forth from the mixed milk of the herd, it shall be the duty of the commissioner of agriculture to have an assistant, agent, or agents present during the entire time in which the said cattle are being milked to observe closely so as to be sure that the milk thus to be sampled is not adulterated and to see that it is thoroughly mixed so that the sample taken shall be a fair sample of the average quality of the mixed milk of the entire dairy or herd of cows of said producer. If, however, the said producer refuses to allow such examination of the milk produced by his dairy, then he shall be precluded from offering any evidence whatever tending to show that the milk delivered by him at the said creamery, factory, platform, or other place was just as it came from the cow. If the said producer does permit such examination the commissioner of agriculture shall, upon receiving application therefor, send to said producer a copy of the analysis of each of the samples of milk so taken and analyzed as above provided.—*Revised Statutes, Codes, and General Laws 1901, vol. 1, pp. 34-38.*

29a. Coloring matter in foods. No person or persons shall manufacture, sell or expose for sale any poisonous coloring matter for the coloring of food products of any kind, nor shall any person or persons use any poisonous coloring matter manufactured, sold, offered or exposed for sale within this state; nor shall any person or persons sell, offer or expose for sale any food product containing such poisonous coloring matter. The state board of health shall cause samples of coloring matter that are exposed for sale upon the market for use in food products to be analyzed and report the results of such analysis to the legislature at the next session.—*Revised Statutes, Codes and General Laws, 1899, ch. 518, p. 42.*

395. Jurisdiction. Every police justice shall have power to try the following offenses committed within his jurisdiction, namely, cases of malicious mischief or injury; all offenses against public decency; selling unwholesome provisions; breaches of the peace; all violations of the laws and ordinances of the city, and of the board of health thereof, and all other offenses of the grade of misdemeanor under the laws of the State.—*Revised Statutes, Codes, and General Laws, 1901, vol. 1, p. 484.*

40. Food and drugs defined. The term, food, when used therein, shall include every article of food and every beverage used by man, and all confectionery; the term, drug, when so used shall include all medicines for external and internal use.

41. Adulterations defined. No person shall, within the state, manufacture, produce, compound, brew, distill, have, sell or offer for sale any adulterated food or drug. An article shall be deemed to be adulterated within the meaning of this act:

A. In the case of drugs:

1. If when sold under or by a name recognized in the United States pharmacopeia, it differs from the standard of strength, quality or purity laid down therein.

2. If, when sold under or by a name not recognized in the United States pharmacopeia, but which is found in some other pharmacopeia or other standard work on materia medica, it differs materially from the standards of strength, quality or purity laid down in such work.

3. If its strength or purity fall below the professed standard under which it is sold.

B. In the case of food:

1. If any substance or substances has or have been mixed with it so as to reduce or lower or injuriously affect its quality or strength.

2. If any inferior or cheaper substance or substances have been substituted wholly or in part for the article.

3. If any valuable constituent of the article has been wholly or in part abstracted.

4. If it be an imitation or be sold under the name of another article.

5. If it consists wholly or in part of diseased or decomposed or putrid or rotten animal or vegetable substance, whether manufactured or not, or in the case of milk, if it is the produce of a diseased animal.

6. If it be colored, or coated, or polished, or powdered, whereby damage is concealed, or it is made to appear better than it really is, or of greater value.

7. If it contains any added poisonous ingredient, or any ingredient which may render such article injurious to the health of the person consuming it. Provided that an article of food which does not contain any ingredient injurious to health, shall not be deemed to have been adulterated, in the case of mixtures or compounds which may be now, or from time to time hereafter, known as articles of food under their own distinctive names, or which shall be labeled so as to plainly indicate that they are mixtures, combinations, compounds or blends, and not included in definition fourth of this section.

C. In the case of spirituous, fermented and malt liquors, if it contain any substance or ingredient not normal or healthful to exist in spirituous, fermented or malt liquors, or which may be deleterious or detrimental to health when such liquors are used as a beverage. In the case of ale or beer, if it contains any substitute for hops, or pure extract of hops, or if any such substitute is used in the manufacture thereof.

D. In the case of confectionery, if it contains terra alba, barytes, talc or other mineral substance or poisonous colors or flavors, or other ingredients deleterious or detrimental to health. If the standard of any article of food or any drug is not established in a national pharmacopeia, the state board ^a of health shall, from time to time, fix the limit for variability permissible therein. The state board ^a of health may, from time to time, with the approval of the governor, declare what articles or preparations shall be exempt from the provisions of this article, and publish a list of such articles which shall thereafter be so exempt. Every person violating any provision of this section shall forfeit to the people of the state the sum of one hundred dollars for every such violation.

42. *Duties of State board of health in respect to adulterations.* The state board ^a of health shall take cognizance of the interests of the public health as affected by the sale or use of food and drugs and the adulterations thereof, and make all necessary inquiries and investigations relating thereto. It shall appoint such public analysts, chemists and inspectors as it may deem necessary for that purpose, and revoke any such appointment whenever it shall deem the person appointed incompetent, or his continuance in the service for any reason undesirable. It shall, from time to time, adopt such measures and make such regulations and declarations, in addition to the provisions of this article, as may seem necessary to enforce or facilitate the enforcement of this article, or for the purpose of making an examination or analysis of any

^a Department.

food or drug sold or exposed for sale in the state, and all such regulations and declarations made in any year shall be filed in the office of the secretary of state and published in the session laws first published after the expiration of thirty days from such filing.

44. *Samples to be furnished.* Every person selling, or offering, or exposing for sale or manufacturing or producing any article of food, or any drug, shall upon tender of the value thereof, furnish any analyst, chemist, officer or agent of the state board ^a of health or of any local board of health, with a sample of any such article or drug, sufficient for the purpose of analysis or test. For every refusal to furnish the same, the person so refusing shall forfeit to the people of the state the sum of one hundred dollars.

50. *Report to district attorney.* Upon discovering any violations of the provisions of the penal code relating to the adulteration of foods and drugs, the state board ^a of health shall immediately communicate the facts to the district attorney of the county where the violation occurred, who shall thereupon forthwith commence proceedings for the indictment and trial of the person charged with such violation. Nothing in this article shall be construed to in any way repeal or affect any of the provisions of chapter 183 of the laws of 1885, or the acts amendatory thereof or supplemental thereto, or of chapter 515 of the laws of 1889, nor to prohibit the coloring of butter made from milk, the product of the dairy or the cream from the same with coloring matter which is not injurious to health.—*Revised Statutes, Codes, and General Laws, 1901, vol. 2, p. 2815.*

41a. 1. *Diluted or adulterated foods.* A person who, either, With the intent that the same may be sold as adulterated ^b or undiluted, adulterates or dilutes wine, milk, distilled spirits or malt liquor, or any drug, medicine, food or drink, for man or beast, or,

2. *Sale of adulterated or diluted foods as genuine.* Knowing that the same has been adulterated or diluted; offers for sale or sells the same as unadulterated or undiluted, or without disclosing or informing the purchaser that the same has been adulterated or diluted in a case where special provision has not been made by statute for the punishment of the offense, or,

3. *Canal ice.* Sells or offers to sell, or stores or transports with intent to sell for any purpose other than cooling beer in casks, ice cut from any canal or from the wide waters or basins of any canal, unless the ice so sold, or offered for sale or stored or transported, is contained in a building, cart, car, sleigh, float or receptacle upon which is plainly marked in Roman or capital letters, not less than eight inches square, the words "canal ice" or,

4. *Maple products and honey.* Who shall adulterate maple sugar, maple syrup, or honey, with glucose, cane sugar or syrup, beet sugar or syrup, or any other substance for the purpose of sale, or who shall knowingly sell or offer for sale maple sugar, maple syrup or honey that has been adulterated in any way, shall be deemed guilty of a misdemeanor.

5. *Canned foods, etc.* Violate any provision of section thirty of the domestic commerce law, relating to canned and preserved food.

41b. *Adulteration of fruit juices, etc.; penalty.* Any person who shall knowingly sell, offer or expose for sale, or give away, any compound or preparation composed, in whole or in part, of any unwholesome, deleterious or poisonous acid, or other unwholesome, deleterious, or poisonous substance as a substitute for the pure, unadulterated and unfermented juice of lemons, limes, oranges, currants, grapes, apples, peaches, plums, pears, berries, quinces, or other natural fruits, representing such compound or preparation to be the pure, unadulterated and unfermented juice of any

^a Department.

^b So in statutes.

of such fruits; or who, in the mixing, decoction, or preparation of food or drink, shall knowingly use any such compound or preparation in the place of, or as a substitute for, the pure, unadulterated and unfermented juice of one or more of such fruits, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not more than two hundred and fifty dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.

41c. *Tainted or spoiled foods, etc.* A person who with intent that the same may be used as food, drink, or medicine, sells or offers or exposes for sale, any article whatever which to his knowledge, is tainted or spoiled, or for any cause unfit to be used as such food, drink, or medicine, is guilty of a misdemeanor.

41d. *Imitation foods.* A person who sells or manufactures, exposes or offers for sale as an article of food any substance in imitation thereof, without disclosing the imitation by suitable and plainly visible mark or brand, is guilty of a misdemeanor.—*Revised Statutes, Codes, and General Laws, 1901, vol. 2, pp. 2816-2817.*

71. No person shall slaughter, for the purpose of selling the same for food, or expose for sale or sell within this state, or bring or cause to be brought into any city, town or village within this state for food any calf or carcass of the same, or any part thereof except the hide, unless it is in good, healthy condition and was at least four weeks of age at the time of killing. Any person or persons duly authorized by the commissioner of agriculture, may examine any calf or veal found within this state offered or exposed for sale, or kept with intent to sell as food, and if such calf is under four weeks of age, or the veal is from a calf killed under four weeks of age, or from a calf in an unhealthy condition when so killed, he may seize the same and cause it to be destroyed or disposed of in such manner as to make it impossible to be thereafter used as food.

72. On and after the passage of this act it shall be unlawful for any corporation, partnership, person or persons to ship to or from any part of this state any carcass or carcasses of a calf or calves or any part of such carcass except the hide, unless they shall attach to every carcass or part thereof so shipped in a conspicuous place a tag, that shall stay thereon during such transportation, stating the name or names of the person or persons who raised the calf, the name of the shipper, the points of shipping and the destination and the age of the calf.

73. On and after the passage of this act, no railroad company, express company, steamboat company, or other common carrier, shall carry or receive for transportation any carcass or carcasses of calves, or any part of the same except the hide, unless the said carcass or carcasses or parts thereof shall be tagged as herein provided.—*Passed Apr. 22, 1898. Laws of 1898, chapter 491.*

ALCOHOLIC BEVERAGES.

43. *Sampling and analyses; record.* The state board ^a of health shall at least once in each calendar year cause samples to be procured in the public market or otherwise of the spirituous, fermented or malt liquors, distilled, brewed, manufactured, sold or offered for sale in each brewery and distillery located in this state. Such samples shall be kept in vessels in a condition to obtain a proper test and analysis thereof. Such vessels shall be properly labeled and numbered by the secretary of such board, who shall prepare and keep an accurate list of the names of the distillers, brewers and vendors of the liquors from which the samples were taken, and opposite each name shall appear the number which is written or printed on the label attached to the vessel containing the sample. Such lists, numbers and labels shall

^a Department.

be exclusively for the information of such board, and shall not be disclosed or published unless upon discovery of some deleterious substance therein prior to the completion of the analysis or required in evidence in court. When listed and numbered, every such sample shall be delivered to an analyst, chemist or officer of the board; and shall be designated and known to him only by its number, and by no other mark or designation. A test or analysis of such sample shall be made by such analyst, chemist or officer, which will determine the ingredients or component parts thereof. The result of such test or analysis shall be immediately reported by the person making the same to the secretary of such board, setting forth explicitly the nature of any deleterious substance, compound or adulteration found therein which may be detrimental to public health, and the number of samples in which it was found. Any brewer, distiller or vendor in whose samples any such substance, compound or adulteration is found upon any such test or analysis, shall be deemed to have violated the provisions of this article, prohibiting the manufacturing, having, selling or offering for sale adulterated food.

46. *Adulteration of wines defined.* All wines containing alcohol, except such as shall be produced by the natural fermentation of pure undried fruit juices or compounded with distilled spirits, whether denominated as wines or by any other name, which may be used as a beverage or compound with other liquors intended for such use, and all compounds of the same with pure wine, and all preserved fruit juices compounded with substances not produced from undried fruit in the nature of or intended for use as a beverage, or for use in the fermentation or preparation of liquors intended for such use, and all wines, imitations of wines or other beverages produced from fruit, which shall contain any alum, baryta, salts, caustic lime, carbonate of soda, carbonate of potash, carbonic acid, salts of lead, glycerine, salicylic acid, or any other antiseptic, coloring matter, not produced from undried fruit, artificial flavoring, essence of ether or any other foreign substance injurious to health, shall be known as or deemed to be adulterated wine, and shall not be sold, offered for sale or manufactured with intent to sell within this state; and all such wine and every such beverage shall be deemed a public nuisance and forfeited to the state and shall be summarily seized and destroyed by any health officer within whose jurisdiction it shall be found, and the reasonable expense of such seizure and destruction shall be a county charge.

47. *Pure wine defined.* For the purpose of this article, pure wine shall be deemed to mean the fermented juice of undried grapes or other undried fruits, but the addition of pure sugar to perfect the wine or of pure distilled spirits to preserve it, not to exceed eight per cent of its volume, or the use of things necessary to clarify and fine the wine not injurious to health shall not be construed as adulteration, if such pure wine shall contain at least seventy-five per cent of pure grape or other undried fruit juice.

48. *Half wine and made wine defined; stamps and labels.* For the purpose of this article, any wine which contains less than seventy-five and more than fifty per cent of pure grape or other undried fruit juice and is otherwise pure shall be known as half wine, and upon each and every package of such wine manufactured with the intent to sell, or sold or offered for sale by any person within this state, if containing more than three gallons, there shall be stamped on both ends of the package containing the same in black printed letters, at least one inch in height and of proper proportion in width, the words "half wine;" and if containing more than one quart and not more than three gallons, there shall be stamped on each package in plain printed black letters, at least one-half inch high and of proper proportion as to width, the words "half wine;" and if in a package or bottle of one quart or less, there shall be placed a label securely pasted thereon, having the words "half wine" plainly printed in black letters at least one-quarter of an inch high and of proper proportion as to width. If any number of small packages is inclosed in a larger package, as a box, barrel, case or basket, such outside package shall have thereon the stamp "half

wine" in letters of a size according to the size of such outer package. Every person who shall sell, offer for sale, or manufacture with the intent to sell, within the state any wine containing less than fifty per centum of pure grape or other undried fruit juice and otherwise pure, shall cause all the packages containing the same to be stamped, marked and labeled with the words "made wine" in the same manner as "half wine" is required in this section to be stamped, marked and labeled, and all such wine shall be known and sold as "made wine."

49. Penalties. Every person who manufactures with intent to sell, sells or offers for sale within the state, any wine of a kind or character, the manufacture, sale or offering for sale of which is prohibited by this article, or which is not stamped, marked or labeled as required by this article, shall forfeit to the county wherein such manufacture, sale or offering for sale takes place, the sum of one-half dollar for each gallon thereof so sold or manufactured with the intent to sell. The provisions of the three preceding sections of this article shall not apply to medicated wines which are put up and sold for medical purposes only.—*Revised Statutes, Codes and General Laws, 1901, vol. 2, pp. 2818-2820.*

CANNED GOODS. *a*

30. Labeling of canned goods; penalty. No packer or dealer in hermetically sealed, canned or preserved fruits, vegetables or other articles of food within this state excepting canned or condensed milk or cream, shall sell or offer the same for sale for consumption within this state, unless the cans or jars containing the same shall have plainly printed upon a label thereupon with a mark or term clearly indicating the grade or quality of the articles contained therein, the name, address and place of business of the person or corporation canning or packing them, or the name of the wholesale dealer in the state selling or offering the same for sale, and the name of the State, county and city, town or village where packed, preceded by the words "packed at."

If containing soaked goods or goods put up from products dried or cured before canning, there shall also be printed upon the face of such label in good legible type, one-half of an inch in height and three-eighths of an inch in width, the word "soaked."

Goods imported from foreign countries of foreign manufacture shall not be subject to the provisions of this section.

Any person violating any of the provisions of this section shall forfeit to the city, village or town where the violation occurs, the sum of fifty dollars, if a retail dealer, and the sum of five hundred dollars if a wholesale dealer or packer.—*Revised Statutes, Codes and General Laws, 1901, vol. 1, p. 1825.*

DAIRY PRODUCTS. *a*

20. Adulterated milk, butter, and cheese defined. The terms, butter and cheese, when used in this article, mean, the products of the dairy, usually known by those terms, which are manufactured exclusively from pure, unadulterated milk or cream or both, with or without salt or rennet, and with or without coloring matter or sage. The terms oleomargarine, butterine, imitation butter or imitation cheese, shall be construed to mean any article or substance in the semblance of butter or cheese not the usual product of the dairy, and not made exclusively of pure and unadulterated milk or cream, or any such article or substance into which any oil, lard or fat not produced from milk or cream enters as a component part, or into which melted butter or butter in any condition or state, or any oil thereof has been introduced to take the place of cream. The term, adulterated milk, when so used, means:

1. Milk containing more than eighty-eight per centum of water or fluids.

a See also General Food Laws.

2. Milk containing less than twelve per centum of milk solids.
3. Milk containing less than three per centum of fats.
4. Milk drawn from cows within fifteen days before and five days after parturition.
5. Milk drawn from animals fed on distillery waste or any substance in a state of fermentation or putrefaction or on any unhealthy food.
6. Milk drawn from cows kept in a crowded or unhealthy condition.
7. Milk from which any part of the cream has been removed.
8. Milk which has been diluted with water or any other fluid, or to which has been added or into which has been introduced any foreign substance whatever.

All adulterated milk shall be deemed unclean, unhealthy, impure, and unwholesome. The terms, pure milk or unadulterated milk, when used singly or together mean sweet milk not adulterated, and the terms pure cream or unadulterated cream, when used singly or together mean cream taken from pure and unadulterated milk.

21. Care and feed of cows. No person shall keep cows, for the production of milk for market or for sale or exchange, or for manufacturing the milk or cream from the same into any article of food, in a crowded or unhealthy condition, or feed any such cows on distillery waste or on any substance in the state of putrefaction or fermentation, or upon any food that is unhealthy or that produces impure, unhealthy, diseased or unwholesome milk. But this section shall not be construed to prohibit the feeding of ensilage.

22. Adulterated or unwholesome milk. No person shall sell or exchange, or offer or expose for sale or exchange, any unclean, impure, unhealthy, adulterated or unwholesome milk or any cream from the same, or any unclean, impure, unhealthy, adulterated, colored, or unwholesome cream, or sell or exchange or offer or expose for sale or exchange any article of food made from such milk or cream or manufacture from any such milk or cream any article of food. (*As amended 1900.*)

23. Regulations in regard to butter and cheese factories; tests; standard bottles, etc. No person shall sell, supply or bring to be manufactured to any butter or cheese factory any milk diluted with water, or any unclean, impure, unhealthy, adulterated or unwholesome milk, or milk from which any of the cream has been taken, except pure skim milk to skim-cheese factories. No person shall sell, supply or bring to be manufactured to any butter or cheese factory any milk from which there has been kept any part of the milk commonly known as strippings, or any milk that is sour, except pure skim milk to skim-cheese factories. The owner or proprietor or the persons having charge of any butter or cheese factory, not buying all the milk used by him, shall not use for his own benefit, or allow any of his employes or any other person to use for his own benefit, any milk, cream, butter or cheese or any other product thereof, brought to such factory, without the consent of the owners of such milk or products thereof. Every butter or cheese manufacturer not buying all the milk he uses, shall keep a correct account of all the milk daily received, of the number of packages of butter and cheese made each day, and the number of packages and aggregate weight of cheese and butter disposed of each day; which account shall be open to inspection to any person who delivers milk to such factory. Whenever manufacturers of butter or cheese purchase milk upon the basis of the amount of fat contained therein and use for ascertaining the amount of such fat what is known as the Babcock test, or whenever the proceeds of cooperative creameries and cheese factories are allotted on the basis of determination of milk fat by the Babcock test, the bottles and pipettes used in such test shall before use be examined by the director of the New York agricultural experiment station. If such bottles are found to be properly constructed and graded so as to accurately show the amount of fat contained in milk, each of them shall be legibly and indelibly marked "S. B." No bottle shall be so marked except as herein provided nor shall be used in any such test by such manufacturers, unless so examined and marked. The acid used in making such test by such manufacturers shall be examined from time to time by

competent chemists employed by the commissioner of agriculture and if found not to be of sufficient strength the use of such acid shall be prohibited. The commissioner of agriculture or persons employed by him for that purpose may at any time assist in mailing tests of milk received at a butter or cheese factory for the purpose of determining the efficiency of tests usually made at such factory. All persons using other than standard bottles or acid which is not of required strength to accurately determine the amount of fats in milk, shall be subject to the penalties prescribed by section thirty-seven of this article, and shall be guilty of a misdemeanor.—*As amended April 18, 1901. (Laws 1901, vol. 2, ch. 429, p. 1118.)*

24. Milk cans. No person or persons shall hereafter, without the consent of the owner or owners, shipper or shippers, use, sell, dispose of, buy or traffic in any milk can or cans, cream can or cans belonging to any dealer or dealers, shipper or shippers of milk or cream residing in the state of New York or elsewhere, who may ship milk or cream to any city, town or place within this state, having the name or initials of the owner or owners, dealer or dealers, shipper or shippers, stamped, marked or fastened on such can or cans, or willfully mar, erase or change by remarking or otherwise said name or initials of any such owner or owners, dealer or dealers, shipper or shippers, so stamped, marked or fastened upon said can or cans. Nor shall any person or persons without the consent of the owner use such can or cans for any other purpose than for milk or cream; nor shall any person or persons without the consent of the owner place in any such can or cans any substance or substances, product or products other than milk or cream. (*As amended April 17, 1901.*)

25. Regulations in regard to condensed milk. No condensed milk shall be made or offered or exposed for sale or exchange unless manufactured from pure, clean, healthy, fresh, unadulterated and wholesome milk from which the cream has not been removed either wholly or in part, or unless the proportion of milk solids shall be in quantity the equivalent of twelve per centum of milk solids in crude milk, and of which solids twenty-five per centum shall be fats. No person shall manufacture, sell or offer for sale or exchange in hermetically sealed cans, any condensed milk unless put up in packages upon which shall be distinctly labeled or stamped the name of the person or corporation by whom made and the brand by which or under which it is made. When condensed milk shall be sold from cans or packages not hermetically sealed, the vendor shall brand or label such cans or packages with the name of the manufacturer of the milk contained therein. (*As amended March 19, 1894.*)

26. Manufacture and sale of imitation butter. No person by himself, his agents or employes, shall produce or manufacture out of or from any animal fats or animal or vegetable oils not produced from unadulterated milk or cream from the same, the article known as oleomargarine or any article or product in imitation or semblance of natural butter produced from pure, unadulterated milk or cream of the same; or mix, compound with or add to milk, cream or butter any acids or other deleterious substance or any animal fats or animal or vegetable oils not produced from milk or cream, so as to produce any article or substance or any human food in imitation or in semblance of natural butter, nor sell, keep for sale or offer for sale any article, substance, or compound made, manufactured or produced in violation of the provisions of this section, whether such article, substance or compound shall be made or produced in this state or elsewhere. Any dealer in any article or product, the manufacture or sale of which is prohibited by this act, who shall keep, store or display such article or product, with other merchandise or stock in his place of business, shall be deemed to have the same in his possession for sale. (*As amended 1897.*)

27. Imitation butter and cheese; renovated butter to be labeled. No person shall manufacture, mix or compound with or add to natural milk, cream or butter any animal fats or animal or vegetable oils, nor make or manufacture any oleaginous substance not produced from milk or cream, with intent to sell the same as butter or cheese made from unadulterated milk or cream or have the same in his possession with such

intent; nor shall any person solicit or take orders for the same or offer the same for sale, nor shall any such article or substance or compound so made or produced, be sold as and for butter or cheese, the product of the dairy. No person shall coat, powder or color with annatto or any coloring matter whatever, butterine or oleo-margarine or any compound of the same or any product or manufacture made in whole or in part from animal fats or animal or vegetable oils not produced from unadulterated milk or cream by means of which such product, manufacture or compound shall resemble butter or cheese, the product of the dairy; nor shall he have the same in his possession with intent to sell the same nor shall he sell or offer to sell the same. No person by himself, his agents or employees, shall manufacture, sell, offer or expose for sale, butter that is produced by taking original packing stock or other butter or both and melting the same, so that the butter fat can be drawn off, then mixing the said butter fat with skimmed milk or milk or cream or other milk product and rechurning the said mixture, or that is produced by any similar process and is commonly known as boiled or process butter, unless he shall plainly brand or mark the package or tub or wrapper in which the same is put up in a conspicuous place with the words "renovated butter." If the same shall be put up, sold, offered or exposed for sale in prints or rolls, then the said prints or rolls shall be labeled plainly with printed letters in a conspicuous place on the wrapper with the words "renovated butter." If the same is packed in tubs or boxes or pails or other kind of a case or package the words "renovated butter" shall be printed on the top and side of the same in letters, at least, one inch in length, so as to be plainly seen by the purchaser. If such butter is exposed for sale, uncovered, not in a package or case, a placard containing the label so printed shall be attached to the mass of butter in such manner as to easily be seen and read by the purchaser. No person shall sell, offer or expose for sale, any butter or other dairy products containing a preservative, but this shall not be construed to prohibit the use of salt in butter or cheese, or spirituous liquors in club or other fancy cheese or sugar in condensed milk. No person or persons, firm, association or corporation shall induce or attempt to induce any person or persons to violate any of the provisions of the agricultural law. Any person, firm, association or corporation selling, offering or advertising for sale any substance, preparation or matter for use in violation of the provisions of the agricultural law shall be guilty of a violation of this act. (*As amended April 19, 1900.*)

28. *Prohibited articles in hotels, etc.* No keeper or proprietor of any bakery, hotel, boarding-house, restaurant, saloon, lunch-counter or place of public entertainment, or any person having charge thereof or employed thereat, or any person furnishing board for any others than members of his own family, or for any employes where such board is furnished for a compensation or as part of the compensation of any such employe, shall keep, use or serve therein either as food for his guests, boarders, patrons, customers or employes or for cooking purposes any article or substance made in violation of the provisions of this article.

29. *Use of coloring matter in imitation butter and cheese.* No person manufacturing with intent to sell any substance or article in imitation or semblance of butter or cheese not made exclusively from unadulterated milk or cream or both, with salt or rennet or both and with or without coloring matter or sage, but into which any animal, intestinal or offal fats, or any oils or fats or oleaginous substance of any kind not produced from pure, unadulterated milk or cream, or into which melted butter, or butter in any condition or state or any modification of the same, or lard or tallow shall be introduced, shall add thereto or combine therewith any annatto or compounds of the same, or any other substance or substances whatever, for the purpose or with the effect of imparting thereto a color resembling yellow, or any shade of yellow butter or cheese, nor introduce any such coloring matter or other substance into any of the articles of which the same is composed.

29b.^a Settlement of claims under agricultural law. The commissioner of agriculture, subject to the approval in writing of the governor and attorney-general, is hereby authorized and empowered to settle, compromise and discharge all actions and causes of actions, or claims arising under the agricultural law since its passage to the passage of this act for any violation of sections twenty-six, twenty-seven, twenty-eight and twenty-nine of the agricultural law relating to the sale or use of oleomargarine, so called. (*Approved March 4, 1895.*)

29c. Disposal of moneys. All moneys received pursuant to any such settlement shall be paid by said commissioner into the treasury of the state; and any settlement made pursuant to this act shall be reported by the said commissioner in his next annual report. (*Approved March 4, 1895.*)

30. Manufacture and sale of imitation cheese. No person shall manufacture, deal in, sell, offer or expose for sale or exchange any article or substance, in the semblance of or in imitation of cheese made exclusively of unadulterated milk or cream, or both, into which any animal, intestinal or offal fats or oils, or melted butter or butter in any condition or state or modification of the same, or oleaginous substances of any kind not produced from unadulterated milk or cream, shall be introduced.

31. Skim-milk or skim cheese exempt if sold as such. Except in the counties of New York and Kings, the prohibitions contained in this article against the sale of adulterated milk shall not apply to skim-milk, which is clean, pure, healthy, wholesome and unadulterated, except by skimming, sold for use in the county in which it is produced or an adjoining county, if it is sold for and as skimmed milk. The prohibitions in this article against the sale of cheese made from unadulterated milk or cream, shall not apply to pure skim-cheese made from milk which is clean, pure, healthy, wholesome and unadulterated, except by skimming.

32. Sanitary condition of milk utensils, etc. No person, firm, association or corporation buying or receiving milk, not produced from the dairy of such person, firm, association, or corporation, for the purpose of selling the same for consumption as such, or for manufacturing the same into butter, cheese, condensed milk or other human food, shall keep the same in utensils, cans, vessels, room or rooms, building or buildings, that are unclean or that have unsanitary surroundings or drainage, or in any condition whatsoever that would tend to produce or promote conditions favorable to unhealthfulness or disease. The commissioner of agriculture shall notify all persons, firms, associations or corporations violating this section, to clean said utensils, cans, vessels, room or rooms, building or buildings, or to so improve the sanitary conditions that the law will not be violated, and if such notice is complied with in ten days time, Sundays excepted, then no action shall lie for a violation of this section. The provisions of this act shall not apply to cities of the first class.

33. Manufacturer's cheese brand; records. Every manufacturer of full-milk cheese may put a brand upon each cheese indicating "full-milk cheese," and the date of the month and year when made; and no person shall use such a brand upon any cheese made from milk from which any of the cream has been taken. The commissioner of agriculture shall procure and issue to the cheese manufacturers of the state, on proper application therefor, and under such regulations as to the custody and use thereof as he may prescribe, a uniform stencil brand, bearing a suitable device or motto, and the words, "New York state full-cream cheese." Every such brand shall be used upon the outside of the cheese and shall bear a different number for each separate factory. The commissioner shall keep a book, in which shall be registered the name, location and number of each manufactory using the brand, and the name or names of the persons at each manufactory authorized to use the same. No such brand shall be used upon any other than full-cream cheese or packages containing the same. (*As amended April 26, 1898.*)

^aSee General Food Laws (p. 276) for sec. 29a.

34. *False brands on butter or cheese.* No person shall offer, sell, or expose for sale, in any package, butter or cheese which is falsely branded or labeled.

35. *County trade-mark for butter and cheese.* At a regular or special meeting of a county dairymen's association in any county of the state there may be adopted a county trade mark, by a majority of the members present and voting, to be used as a trade-mark by any person manufacturing pure unadulterated butter or full-cream cheese in such county. The secretary of the association shall forthwith send to the commissioner of agriculture a copy of such trade mark, which copy he shall place on file in his office, noting thereupon the day and hour he received the same. But one county trade mark for butter and for cheese shall be placed on file for the same county. No association shall adopt any trade mark of any county already on file, or use that of any other county in the formation of a trade mark.

36. *Reason for law.* This article and each section thereof are declared to be enacted to prevent deception in the sale of dairy products, and to preserve the public health, which is endangered by the manufacture, sale and use of the articles or substances herein regulated or prohibited.

37. *Penalties for violation of agricultural law.* Every person violating any of the provisions of the agricultural law shall forfeit to the people of the state of New York the sum of not less than fifty dollars nor more than one hundred dollars for the first violation and not less than one hundred dollars or more than two hundred dollars for the second and each subsequent violation. When such violation consists of the manufacture or production of any prohibited article, each day during which or any part of which such manufacture or production is carried on or continued, shall be deemed a separate violation of the provisions of this article. When the violation consists of the sale, or the offering or exposing for sale or exchange of any prohibited article or substance, the sale of each one of several packages shall constitute a separate violation, and each day on which any such article or substance is offered or exposed for sale or exchange shall constitute a separate violation of this article. When the use of any such article or substance is prohibited, each day during which or any part of which said article or substance is so used or furnished for use, shall constitute a separate violation, and the furnishing of the same for use to each person to whom the same may be furnished shall constitute a separate violation. Whoever by himself or another violates any of the provisions of articles two, three, eight, eleven and twelve or sections ninety-one and ninety-two of the agricultural law or of chapter four hundred and ninety-one, laws of eighteen hundred and ninety-eight, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty dollars, nor more than two hundred dollars, or by imprisonment of not less than one month nor more than six months or by both such fine and imprisonment, for the first offense; and by six months imprisonment for the second offense.

37a. *Use of imitation dairy products in state institutions.* No money appropriated by law for maintenance and support in whole or in part of a state institution; nor money received by a charitable benevolent, penal or reformatory institution from the state, or from a county, city or town thereof, or appropriated by such county, city or town for the maintenance or support in whole or in part of such institution; nor money belonging to or used for the maintenance or support of such institution, shall be expended for the purchase of, or in payment for, butterine, oleomargarine, lard cheese, or articles or products in imitation or semblance of natural butter or cheese produced from pure unadulterated milk or cream, from the same, which articles or products have been rendered or manufactured in whole or in part from animal fats or animal or vegetable oils not produced from unadulterated milk or cream from the same.

^a So in the original.

37b. Duty of officer of state institution. No officer, manager, superintendent or agent of an institution mentioned in the first section of this act, shall purchase for the use of such institution articles or products for the purchase of which the money appropriated by law, or by a county, city or town, is forbidden to be used by this act, and no person shall sell to, or for the use of such institution, such articles or products. Nor shall such articles or products be used as articles of food or for cooking purposes in such institutions within this state.—*Revised Statutes, Codes, and General Laws, 1901, vol. 1, pp. 38-45.*

103. Search warrants for suspected dairy products. A search warrant in the name of the people, directed to a peace officer commanding him to search for dairy products, imitations thereof and substitutes therefor, to open any place of business factory, building, store, bakery, hotel, tavern, boarding-house, restaurant, saloon, lunch counter, place of public entertainment, carriage, car, boat, package, vessel, barrel, box, tub or can, containing, or believed to contain the same, in the possession or under the control of any person who shall refuse to allow the same to be inspected or samples taken therefrom by the said commissioner, assistant commissioners, or such experts, chemists, agents, or counsel as such commissioner or assistant commissioners shall duly authorize for the purpose, or to which access is refused or prevented, and to allow and enable the officer mentioned in section twelve applying therefor to take such samples of dairy products, imitations thereof and substitutes therefor, found in the execution of the warrant, as the officer applying for the search warrant shall designate when the same are found, shall be issued by any magistrate to whom application is made therefor, whenever it shall be made to appear to him that such person has refused to permit any dairy products, imitations thereof or substitutes therefor, to be inspected or samples taken therefrom, or that access thereto by any officer mentioned in section twelve has been refused or prevented, and that such officer has reasonable grounds for believing that such person has any dairy products, imitations thereof or substitutes therefor in his possession, or under his control, or that he is violating any of the provisions of this act. The provisions of section seven hundred and ninety-one to section eight hundred and two^a both inclusive, of the code of criminal procedure, shall apply to such warrant as far as applicable thereto. The peace officer to whom the warrant is delivered shall make a return in writing of his proceedings thereunder to the magistrate who issued the same.—*Revised Statutes, Codes, and General Laws, 1901, vol. 1, p. 62.*

43. Care of cows. A person who keeps a cow or any animal for the production of milk, in a crowded or unhealthy place, or in a diseased condition, or feeds such cow or animal upon any food that produces impure or unwholesome milk, is punishable by a fine of not less than fifty dollars, or imprisonment not exceeding one year, or by both.—*Revised Statutes, Codes, and General Laws, 1901, vol. 1, p. 80.*

Labeling skimmed milk; penalty. A person, who sells or offers for sale, milk from which the whole or a part of the cream has been skimmed or removed, without disclosing the fact, or having a mark or label, plainly and legibly stating the fact, conspicuously affixed to every can or vessel containing the same, under circumstances not constituting an offense, for the punishment of which provision is otherwise specially made by statute, is guilty of a misdemeanor.—*Revised Statutes, Codes, and General Laws, 1901, vol. 2, p. 2388.*

^a Search warrants, secs. 2-13.

45. Seizure of milk. When a health officer or other official shall seize or destroy or cause to be seized or destroyed any milk, he shall take a sample of such milk in the presence of at least one witness, and shall, in the presence of such witness, seal such sample and tender it to the vendor or person in charge of such milk, and if accepted, shall also deliver therewith a statement in writing of the date and cause of such seizure or destruction. Any health officer or other official violating the provisions of this section, shall be liable to a penalty of fifty dollars, to be recovered by the person aggrieved.—*Revised Statutes, Codes, and General Laws, 1901, vol. 2, p. 2818.*

DRUGS.

197. Subdivision 1. Standard. Unless otherwise prescribed for, or specified by the customer, all pharmaceutical preparations, sold or dispensed in a pharmacy, dispensary, store or place, shall be of the standard strength, quality and purity, established by the latest edition of the United States Pharmacopœia.

Subdivision 2. Responsibility of druggist. Every proprietor of a wholesale or retail drug store, pharmacy, or other place where drugs, medicines or chemicals are sold, shall be held responsible for the quality and strength of all drugs, chemicals or medicines sold or dispensed by him, except those sold in original packages of the manufacturer, and those articles or preparations known as patent or proprietary medicines.

Subdivision 3. Adulteration of drugs. Any person who shall knowingly, wilfully or fraudulently, falsify or adulterate any drug, medical substance or preparation, authorized or recognized in the said Pharmacopœia, or used or intended to be used in medical practice or shall knowingly, wilfully or fraudulently offer for sale, sell or cause the same to be sold, shall be guilty of a misdemeanor; all drugs, medical substances, or preparations so falsified or adulterated shall be forfeited to the board and by the board destroyed.—*Revised Statutes, Codes, and General Laws, 1901, vol. 2, p. 2861.*

FLOUR.

70. Quality of flour casks. All wheat flour, rye flour, Indian meal or buckwheat meal manufactured in this state for exportation shall be packed in good strong casks made of seasoned oak or other sufficient timber, and hooped with at least ten hoops, three of which shall be on each chime, and properly nailed.

71. Size of flour casks. The casks shall be of two sizes only. One size shall contain one hundred and ninety six pounds of flour or meal, with staves twenty seven inches long and each head sixteen and one-half inches in diameter; and the other size shall contain ninety-eight pounds, with staves twenty two inches long and each head fourteen inches in diameter, or with staves twenty seven inches long and each head not more than twelve inches in diameter. But Indian meal may likewise be packed in hogsheads which shall contain eight hundred pounds.

72. Brand of weight and manufacturer. The casks shall be made as nearly straight as may be, and their tare shall be marked on the head with a marking iron; they shall be branded with the weight of the flour and meal contained therein, and branded or painted with the initial letter of the Christian name and the surname at full length of the manufacturer thereof; except hogsheads of Indian meal, on which the weight only shall be branded.

73. Quality brand. Every such cask of wheat flour shall also be branded as follows: If of a very superior quality "extra superfine," if of a quality now branded "superfine" with the word "superfine;" if of a third quality, "fine;" if of a fourth quality, "fine middlings;" if of a fifth quality, "middlings;" if of a sixth quality, "ship stuffs."

74. Quality brand for rye flour. Each cask of rye flour intended for the first quality shall be branded with the words "superfine rye flour," and each cask intended for the second quality with the words "fine rye flour."

75. Brands for Indian meal and buckwheat. Each cask of Indian meal shall be branded with the words "Indian meal;" and each cask of buckwheat meal, with the letter and the word "B meal."

76. False brands; penalty. A person shall not knowingly offer for sale any cask of flour or meal upon which the tare is undermarked, or in which there is a less quantity of meal than is branded thereupon. A manufacturer of flour or meal shall not undermark the tare of any cask, or put therein a less quantity of meal than is branded thereupon; but if the light weight of any such cask has been occasioned by some accident unknown to the manufacturer, and which happened after the packing of the cask, it shall not be deemed a violation of this section. A person violating any provision of this section shall forfeit to the people of the state the sum of five dollars for every such violation.

77. Altering or counterfeiting brands; penalty. No person shall alter or counterfeit any brand marks, whether state or private, made under the provisions of this article, or put any flour or meal in any empty cask previously used and branded, and offer the same for sale in such cask without first cutting out the brands. A person violating the provisions of this section in regard to altering or counterfeiting any brand marks shall forfeit to the people of the state the sum of one hundred dollars for each such violation, and a person violating any other provision of this section shall forfeit to the people of the state the sum of five dollars for each violation.

78. Mixed flours; penalty. No person shall knowingly offer for sale as good wheat flour, any flour which contains a mixture of Indian meal, or any other mixtures, or any unsound flour. A person violating this section shall forfeit to the people of the state the sum of five dollars for each such violation.

79. Transportation of Indian meal; penalty. No person having charge of any vessel shall transport, into the city of New York, any Indian meal upon the deck of any vessel. Every person violating this section shall forfeit to the people of the state twenty cents for every barrel and eighty cents for every hoghead transported in violation of any provision of this section.—*Revised Statutes, Codes, and General Laws, 1901, vol. 1, pp. 1035-1036.*

HONEY.^a

80. The prevention of diseases among bees. No person shall keep in his apiary any colony of bees affected with a contagious malady known as foul brood and every bee-keeper, when he becomes aware of the existence of such disease among his bees, shall immediately notify the commissioner of agriculture of the existence of such disease.

81. Duties of the commissioner; penalty for hindering. The commissioner of agriculture shall immediately upon receiving notice of the existence of foul brood among bees in any locality, send some competent person or persons to examine the apiary or apiaries reported to him as being affected, and all the other apiaries in the immediate locality of the apiary or apiaries so reported; if foul brood is found to exist in them, the person or persons so sent by the commissioner of agriculture shall give the owners or caretakers of the diseased apiary or apiaries full instructions how to treat said cases. The commissioner of agriculture shall cause said apiary or apiaries to be visited from time to time as he may deem best and if, after proper treatment, the said bees shall not be cured of the disease known as foul brood, then he may cause the same to be destroyed in such manner as may be necessary to prevent the spread of the said disease. For the purpose of enforcing this act, the commissioner of agriculture, his agents, employes, appointees or counsel, shall have access, ingress and egress to all places where bees or honey or appliances used in apiaries may be, which it is believed are in any way affected with the said disease of foul brood. No owner or caretaker of a diseased apiary, honey or appliances shall sell, barter or give away any bees, honey or appliances from said diseased apiary, or expose other

^a See also General Food Laws.

bees to the danger of said disease, nor refuse to allow the said commissioner of agriculture, or the person or persons appointed by him to inspect said apiary, honey or appliances, and do such things as the said commissioner of agriculture or the person or persons appointed by him shall deem necessary for the eradication of said disease of foul brood. Any person who disregards or violates any of the provisions of this section is guilty of a misdemeanor, and shall be punished by a fine of not less than thirty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than one month nor more than two months, or by both fine and imprisonment.—*Approved April 3, 1899. (Revised Statutes, Codes, and General Laws, 1901, vol. 1, p. 52).*

MAPLE PRODUCTS.^a

91. (1) *Imitation maple products.* No person shall manufacture for sale, keep for sale, or offer or expose for sale, any sugar in imitation or semblance of maple sugar which is not pure maple sugar, nor any syrup in imitation or semblance of maple syrup, which is not pure maple syrup. Nor shall any person manufacture, offer or expose for sale any sugar as and for maple sugar which is not pure maple sugar, nor any syrup as and for maple syrup which is not pure maple syrup.

(2) *Maple sugar and syrup defined.* For the purpose of this act the term "maple sugar" shall be deemed to mean sugar made from pure maple sap or pure maple syrup, and the term "maple syrup" shall be deemed to mean syrup made from pure maple sap.

92. *Mixed maple products to be labeled.* No person shall manufacture, sell or expose for sale, any compound or mixture as and for sugar which shall be made up of maple sugar mixed with any other sugar or any other substance without branding or labeling the said sugar with a statement giving the ingredients of which it is made up. No person shall manufacture, sell, expose for sale, or offer for sale any compound or mixture as syrup which shall be made up of maple syrup mixed with any other syrup or ingredient without branding or labeling said syrup with a statement giving the ingredients of which it is made up. This shall not be construed to apply to a syrup or syrups manufactured and sold for medicinal purposes only.—*Laws 1893, ch. 338, as amended in Laws 1898, ch. 194; Revised Statutes, Codes, and General Laws, 1901, vol. 1, p. 61.*

VINEGAR.

50. *Definition of adulterated vinegar.* All vinegar which contains any proportion of lead, copper, sulphuric acid, or other ingredients injurious to health, or any artificial coloring matter or which has not an acidity equivalent to the presence of at least four and one-half per centum, by weight, of absolute acetic acid, or cider vinegar which has less than such an amount of acidity, or less than two per centum of cider vinegar solids on full evaporation over boiling water, shall be deemed adulterated. The term cider vinegar, when used in this article means vinegar made exclusively from pure apple juice. Provided, however, that cider vinegar made by a farmer in this state, exclusively from apples grown on his land, or their equivalent in cider taken in exchange therefor, shall not be deemed adulterated, if it contain two per centum solids and sufficient alcohol to develop the required amount of acetic acid. (*As amended Apr. 10, 1901.*)

51. *Adulterated or imitation vinegar.* No person shall manufacture for sale, keep for sale or offer for sale:

1. Any adulterated vinegar.
2. Any vinegar or product in imitation or semblance of cider vinegar, which is not cider vinegar.
3. As or for cider vinegar, any vinegar or product which is not cider vinegar.

52. *Packages containing cider vinegar to be branded.* Every manufacturer or producer of cider vinegar shall plainly brand on the head of each cask, barrel keg or

^a See also General Food Laws.

other package containing such vinegar, his name and place of business and the words "cider vinegar." And no person shall mark or brand as or for, cider vinegar any package containing that which is not cider vinegar.

53. Penalties. Every person violating the provisions of this article shall forfeit and pay to the people of the state the sum of one hundred dollars for each violation.—*Revised Statutes, Codes, and General Laws, 1901, vol. 1, pp. 34-46.*

REGULATIONS AND DECLARATIONS OF THE STATE BOARD OF HEALTH.

The state board of health at a meeting held on the twenty-fourth of February, eighteen hundred and eighty-three, unanimously adopted the following resolutions:

Resolved, That under and pursuant to section four of chapter two hundred and seven of the laws of eighteen hundred and eighty-one, the following mixtures when distinctly labelled in the manner provided in subdivision seven of section three of said act, are within the conditions hereinafter prescribed declared to be exempt and permitted to be sold under the provisions of the said act.

1st. Coffee mixtures containing no other substances except chicory, peas or cereals, and in which mixtures the pure coffee shall not be less than fifty per cent of the whole mixture or compound, provided the exact percentage of coffee be printed upon the label of each package.

2d. Mustard mixture with wheat or rice flour, to which no other substance, or article, or any coloring matter except turmeric is added, and in which mixture the pure farina of mustard shall not be less than forty per cent of the whole mixture or compound, exclusive of the mustard hulls.

The labels on the above mixtures shall contain the names of each and every ingredient of the mixture.

The labels shall also exhibit the percentage of the characteristic constituents; for example, the percentage of coffee in the coffee mixture, and the percentage of mustard in the mustard mixture.

The above mentioned information shall be printed on the labels in black ink, in legible antique type of a size easily to be read, on one side of the package.—*Approved March 24, 1883.*

At a meeting of the state board of health, held at the central office, January 16, 1883, the following resolution was adopted:

50b. Resolved, That under and pursuant to section four of chapter four hundred and seven of the laws of eighteen hundred and eighty-one the state board of health hereby fixes the limits of variability permissible in cider vinegar, which shall not contain less than five per cent of pure acetic acid, and shall not leave on evaporation less than one and one-half per cent of solid matters, the same being weighed after drying, at 212° Fahrenheit.—*Filed June 11, 1883.*

The state board of health, by virtue of power conferred, at a meeting, held on the 23rd of November, 1886, does hereby declare:

50c. That under and pursuant to section four of chapter four hundred and seven of the laws of eighteen hundred and eighty one, the following goods when distinctly labeled in the manner provided in subdivision seven of section three of said act, are within the conditions hereinafter prescribed declared to be exempt and permitted to be sold under the provisions of the said act.

Canned peas or beans in the preparation of which copper has been used, provided that the proportion of metallic copper shall not exceed three-fourths of a grain per avoirdupois pound of peas or beans, equivalent to three grains of crystallized sulphate of copper, and that the same be plainly stated on the label.—*Approved, Dec. 2, 1886.*

NORTH CAROLINA.

The board of agriculture of North Carolina is charged with the enforcement of all food laws. The rulings of the board will be found in the appendix.

In reply to a letter of inquiry, inclosing proof sheets of the compiled food laws of the State, the following commentary was received from Mr. B. W. Kilgore, chemist of the State board of agriculture:

We have gone over [the proof] and find it to be in substance the same as our food law and I think there are no comments which we could add that would be of special value. The food law as given is the one which this Department is operating and we have paid no attention to the ones headed "Alcoholic beverages" and "Butter." These were earlier laws and we consider that the more recent one covers the entire subject of food products.

No prosecutions have been attempted under our law, as we have merely collected samples, made analyses, and published the results, with the idea of trying first to see what could be accomplished by publicity rather than by prosecutions. I do not mean by this that the Department will not institute proceedings when necessary, but up to this time we have not thought it wise to do so.

GENERAL FOOD LAWS.

SEC. 1. *Board of Agriculture to analyze foods, etc.*—That for the purpose of protecting the people of the State from imposition by the adulteration and misbranding of articles of food, the Board of Agriculture shall cause to be procured from time to time, and under rules and regulations to be prescribed by them, in accordance with section nine of this act, samples of food, beverages and condiments offered for sale in the State, and shall cause the same to be analyzed or examined microscopically or otherwise by the chemists or other experts of the Department of Agriculture. The Board of Agriculture is hereby authorized to make such publications of the results of the examinations, analyses and so forth as they may deem proper.

SEC. 2. *Penalty for handling adulterated or misbranded foods.*—That no person, by himself or agent, shall knowingly manufacture, sell, expose for sale or have in his possession with intent to sell, any article of food which is adulterated or misbranded within the meaning of this act; and any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and for such offense shall be fined not exceeding two hundred dollars for the first offense, and for each subsequent offense not exceeding three hundred dollars or be imprisoned not exceeding one year, or both, in the discretion of the Court; and such fines, less legal costs and charges, shall be paid into the treasury of the State for the benefit of the Department of Agriculture, to be used exclusively in executing the provisions of this act.

SEC. 3. *Authenticated analyses showing fraud to be certified by solicitors.*—That the chemists or other experts of the Department of Agriculture shall make, under rules and regulations prescribed by the Board of Agriculture, examinations of specimens of food, beverages and condiments offered for sale in North Carolina which may be collected from time to time under their directions in various parts of the State. If it shall appear from such examination that any of the provisions of this act have been violated, the Commissioner of Agriculture shall at once certify the facts to the proper solicitor, and furnish that officer a copy of the result of the analysis duly authenticated by the analyst under oath.

SEC. 4. *Prosecutions*.—That it shall be the duty of every solicitor to whom the Commissioner of Agriculture shall report any violation of this act, to cause proceedings to be commenced and prosecuted without delay for the fines and penalties in such cases provided.

SEC. 5. *"Food" and "misbranded" defined*.—That the term "food" as used herein shall include all articles used for food—candy, condiment or drink, by man or domestic animals, whether simple, mixed or compound. The term "misbranded" as herein used shall include all articles of food or articles which enter into the composition of food, the package or label of which shall bear any statement purporting to name any ingredients or substances as being contained or not being contained in such article, which statement shall be false in any particular.

SEC. 6. *"Adulteration" defined*.—That for the purpose of this act an article of food shall be deemed adulterated—

First. If any substance or substances has or have been mixed or packed with it, so as to reduce or lower or injuriously affect its quality or strength so that such product when offered for sale shall deceive or tend to deceive the purchaser.

Second. If any inferior substance or substances has, or have been substituted wholly or in part for the article so that the product when sold shall deceive or tend to deceive the purchaser.

Third. If any valuable constituent of the article has been wholly or in part abstracted so that the product when sold shall deceive or tend to deceive the purchaser.

Fourth. If it be an imitation of, and sold under the specific name of another article.

Fifth. If it be mixed, colored, powdered, coated, polished or stained in a manner whereby damage or inferiority is concealed, so that such product when sold shall deceive or tend to deceive the purchaser.

Sixth. If it contain any added poisonous ingredient, or any ingredient which may render such article injurious to the health of the person consuming it.

Seventh. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when branded so, or in an imitation either in package or label of an established proprietary product, which has been trade-marked or patented.

Eighth. If it consists of the whole or any part of a diseased, filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal or of an animal that has died otherwise than by slaughter.

Ninth. That candies and chocolate may be deemed to be adulterated if they contain terra alba, barytes, talc, chrome yellow or other mineral substances, or poisonous colors or flavors, or other ingredients deleterious or detrimental to health: *Provided*, That an article of food, beverage, or condiment which does not contain any added poisonous ingredient shall not be deemed to be adulterated in the following cases:

First. In the case of articles, mixtures or compounds which may be now, or from time to time hereafter, known as articles of food, beverages or condiments under their own distinctive names, and not included in definition fourth of this section.

Second. In the case of articles labeled, branded or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations or blends.

Third. When any matter or ingredient has been added to the food, beverage or condiment because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food, beverage or condiment, or conceal the inferior quality thereof: *Provided*, That the same shall be labeled, branded or tagged as prescribed by the Board of Agriculture, so as to show them to be compounds and the exact character thereof: *And provided further*, That nothing

in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods to disclose their trade formulas except in so far as the provisions of this act may require to secure freedom from adulteration or imitation: *Provided further*, That nothing in this act shall be construed to apply to proprietary or patent medicines.

Fourth. Where the food, beverage or condiment is unavoidably mixed with some harmless extraneous matter, in the process of collection or preparation: *Provided further*, That no person shall be convicted under the provisions of this act when he is able to prove a written guaranty of purity in a form approved by the Board of Agriculture as published in their rules and regulations, signed by the wholesale jobber, manufacturer or other party from whom he purchased said article.

SEC. 7. *Branding*.—That the Board of Agriculture is hereby authorized to cause all compound, mixed or blended products to be properly branded and prescribe how this shall be done.

SEC. 8. *Exemptions*.—That it shall be the duty of the Board of Agriculture to prepare and publish from time to time lists of the articles, mixtures or compounds declared to be exempt from the provisions of this act in accordance with section six. The Board of Agriculture shall also from time to time fix and publish the limits of variability permissible in any article of food, beverage or condiment, and these standards when so published shall remain the standards before all courts: *Provided*, That when standards have been or may be fixed by the Secretary of Agriculture of the United States, they shall be accepted by the Board of Agriculture and published as the standards for North Carolina.

SEC. 9. *Samples for analysis*. That every person who exposes for sale or delivers to a purchaser any condiment, beverage or article of food, shall furnish, within business hours, and upon tender and full payment of the selling price, a sample of such condiments, beverages or articles of food to any person duly authorized by the Board of Agriculture to secure the same and who shall apply to such manufacturer or vender or person delivering to a purchaser such beverage or article of food, for such sample for such use in sufficient quantity for the analysis of such article or articles in his possession.

SEC. 10. *Penalty for hindering enforcement of law*. That any manufacturer or dealer who refuses to comply upon demand with the requirements of section nine of this act, or any manufacturer, dealer or person who shall impede, obstruct, hinder or otherwise prevent or attempt to prevent any chemist, inspector or other person in the performance of his duty in connection with this act shall be guilty of a misdemeanor and shall upon conviction be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned not more than one hundred days, or both, in the discretion of the Court, and said fines, less the legal costs, shall be paid into the treasury of the State for the benefit of the Department of Agriculture, to be used exclusively in executing the provisions of this act.

SEC. 11. *Other legislation*. That this act shall not be construed to interfere with commerce, or any interstate commerce laws of the United States.

SEC. 12. *Laws repealed*. That chapter one hundred and twenty-two, Public Laws of one thousand eight hundred and ninety-five, be and the same is hereby repealed.

SEC. 13. That this act shall be in force from the first day of August, one thousand eight hundred and ninety-nine.—*Ratified Feb. 13, 1899, and amended Mar. 3, 1899. (Pub. Laws, 1899, ch. 86, p. 216, and ch. 369, p. 508.)*

ALCOHOLIC BEVERAGES.

982. *Manufacturing, selling or importing adulterated liquors*. If any person shall adulterate any spirituous, alcoholic, vinous or malt liquors by mixing the same with any substance of whatever kind, except as hereinafter provided, or if any person shall sell or offer to sell any spirituous, alcoholic, vinous or malt liquors, knowing

the same to be thus adulterated, or shall import into this state any spirituous or intoxicating liquors, and sell or offer to sell such liquor, knowing the same to be adulterated, he shall be guilty of a misdemeanor, and fined and imprisoned, or both, at the discretion of the court.

983. Addition of injurious ingredients. Any person who shall manufacture, sell, or in any way deal out spirituous liquors, of any name or kind, to be used as a drink or beverage, and the same shall be found to contain any foreign properties or ingredients poisonous to the human system, shall be guilty of a high misdemeanor, and imprisoned in the penitentiary not less than five years, and may be fined in the discretion of the court. It shall be competent for any citizen after making purchase of any spirituous liquors, to cause the same to be analyzed by some known competent chemist, and if upon such analysis it shall be found to contain any foreign poisonous matter it shall be *prima facie* evidence against the party making such a sale.

984. Recipes for adulteration; druggists, etc., exempt. Any person who shall sell or offer to sell any recipe or formula whatever for adulterating any spirituous or alcoholic liquors, by mixing the same with any substance of whatever kind, except as is hereinafter provided, shall be guilty of a misdemeanor, and fined and imprisoned as is provided in the preceding action: Provided, that this section and the two preceding sections shall not be so construed as to prevent druggists, physicians, and persons engaged in the mechanical arts, from adulterating liquors for medicinal and mechanical purposes.—*Code, 1883, vol. 1, p. 402.*

BUTTER.

SEC. 1. "Butter" defined. That for the purpose of this act the word "butter" shall be understood to mean the product manufactured and compounded from fresh and pure milk and cream.

SEC. 2. Imitation butter named. That for the purpose of this act any article manufactured or compounded in imitation or semblance of butter, as defined in section one of this act, which shall be composed of any ingredient or ingredients in combination with butter, shall be known as "oleomargarine" and "butterine," and it shall be unlawful to manufacture, keep for sale, offer for sale, export or import same, except in accordance with the provisions of this act.

SEC. 3. Labeling of oleomargarine, etc. That every manufacturer of said "oleomargarine" and "butterine" shall securely affix by pasting on each package, tub or firkin thereof so manufactured by him a label, on which shall be printed in large roman type the chemical ingredients and the proportions thereof. Every manufacturer of such compound who neglects to affix such label to any package, tub or firkin containing such compound manufactured, sold or offered for sale by him, and every person who removes such label so affixed from any such package, tub or firkin shall be guilty of a misdemeanor and punished as hereinafter provided.

SEC. 4. Interstate commerce act. This act shall not be construed as to prohibit the manufacture or sale of said compound, or in any degree violate the provisions of the interstate commerce law relative to this particular subject. The said compound, however, shall not be manufactured, sold, nor offered for sale, except in accordance with the provisions of this act.

SEC. 5. Penalty. It shall be the duty of the district, county and city attorneys, upon proper information that any of the provisions of this act have been violated, to prosecute such offender before any court of jurisdiction, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, or by imprisonment in the county jail not exceeding thirty days; and for each subsequent offense by a fine not less than two hundred dollars or by imprisonment not less than six months or both in the discretion of the court.

SEC. 6. This act shall be in force thirty days after its passage.—*Approved, Feb. 28, 1895. (Public Acts, 1895, ch. 106, p. 105.)*

NORTH DAKOTA.

The commissioner of agriculture is authorized to appoint as one of his deputies an assistant dairy and food commissioner, who, under the supervision of the commissioner of agriculture, is charged with the enforcement of all the food laws of the State.

GENERAL FOOD LAWS.

7649. *Adulterated food or medicine.* Every person who, either:

1. With intent that the same may be used as food, drink or medicine for man, sells or offers or exposes for sale, any article whatever, which to his knowledge is tainted or spoiled, or for any cause unfit to be used as food, drink or medicine; or,
2. Knowingly sells any article intended as food or drink for man which contains a sufficient quantity of any drug or other substance to render such article injurious to health, or compounds the same; or,
3. Adulterates or dilutes so as to render it injurious to health, for the purpose of sale as unadulterated or undiluted, any substance intended as food, drink or medicine for man,

Is guilty of a misdemeanor.—*Laws of 1885, ch. 64; Rev. Code, 1899, ch. 68, p. 1528.*

7309. *Fraudulent adulteration of food and drugs.* Every person who adulterates or dilutes any article of food, drink, drug, medicine, strong, spirituous or malt liquor or wine, or any article useful in compounding either of them, whether one useful for mankind or animals, with a fraudulent intent to offer the same, or cause or permit it to be offered for sale as unadulterated or undiluted, and every person who fraudulently sells or keeps or offers for sale the same as unadulterated or undiluted, knowing it to have been adulterated or diluted, is guilty of a misdemeanor.

7310. *Knowingly selling tainted food or drugs.* Every person who knowingly sells, or keeps or offers for sale or otherwise disposes of any article of food, drink, drug or medicine, knowing that the same has become tainted, decayed, spoiled or otherwise unwholesome or unfit to be eaten or drank, with intent to permit the same to be eaten or drank by any person or animal, is guilty of a misdemeanor.—*Rev. Code, 1899, ch. 40, p. 1460.*

SEC. 1. *Adulterating and misbranding foods and beverages.* It shall be unlawful for any person, his servant or agent, or while acting as the servant or agent of any other person or corporation, to manufacture for sale or offer for sale any article of food or beverage which is unwholesome or adulterated within the meaning of this act.

SEC. 2. *Adulteration defined; provisos.* Any article of food or beverage shall be considered as unwholesome or adulterated within the meaning of this act:

First. If it contains any form of aniline dye or other coal tar dye.

Second. If it contains formaldehyde, benzoic acid, sulphites, sulphurous acid or salicylic acid.

Third. If any substance or substances have been mixed with it so as to reduce or lower or injuriously effect its quality or strength, so that such article of food or beverage when offered for sale, shall deceive or tend to deceive the purchaser.

Fourth. If any inferior or cheaper substance or substances have been substituted wholly or in part for the article, so that the product, when sold, shall deceive or tend to deceive the purchaser.

Fifth. If any necessary or valuable constituent of the article has been in whole or in part abstracted.

Sixth. If it be an imitation of or offered for sale under the specific name of another article.

Seventh. If it be labeled or branded so as to deceive or mislead the purchaser.

Eighth. If it consists wholly or in part of a diseased, decomposed, filthy or putrid animal or vegetable substance.

Provided, that an article of food or beverage shall not be deemed adulterated in the following cases:

First. If it be a compound or mixture of recognized food products and not included in definition sixth of this section.

Second. In the case of candies and chocolates if they contain no terra alba, barytes, talc, chrome yellow or other mineral substances, or aniline dyes or other poisonous colors or flavors detrimental to health.

Third. If in the case of baking powders or any mixture or compound intended for use as a baking powder they have affixed to each and every box, can or package containing such powder or like mixture or compound, a light colored label upon the outside and face of which there is distinctly printed with black ink and in clear, legible type the name and address of the manufacturers, the true and correct analysis of each and all the constituents or ingredients contained in or contributing a part of such baking powders, or mixture or compound intended for use as a baking powder.

Sec. 3. *Penalty*.—Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and shall for each offense be punished by a fine of not less than twenty-five (\$25) dollars or more than one hundred (\$100) dollars, and all necessary costs, including the expense of analyzing such adulterated articles when said person has been found guilty under this act.

Sec. 4. *Duty of state's attorney*.—It shall be the duty of the state's attorney to prosecute all persons violating any of the provisions of this act.

Sec. 5. *Repeal*.—All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Sec. 6. This act shall take effect January 1, 1902. *Approved, Mar. 8, 1901. (Laws of 1901, ch. 4, p. 7.)*

CANDY.

7309a. No person shall by himself, his servant, or agent, or as the servant or agent of any other person or corporation, manufacture for sale, or knowingly sell or offer to sell any candy adulterated by the admixture of terra alba, barytes, talc, or any other mineral substance, by poisonous colors or flavors or other ingredients deleterious or detrimental to health. Whoever violates any of the provisions of this section shall be punished by a fine of not exceeding one hundred dollars nor less than fifty dollars. The candy so adulterated shall be forfeited and destroyed under direction of the court. *Rev. Code, 1899, ch. 40, p. 1460.*

DAIRY PRODUCTS.

7639. *Selling imitation butter without brand; penalty.* Any person who shall knowingly sell or offer for sale or procure the sale of, or make or manufacture, any article or substance in semblance of butter, not the legitimate product of the dairy and made exclusively of milk or cream, but into the composition of which the oil or fat of

animals, or melted butter or any oil thereof, enters as a substitute for cream, in tubs, firkins or other original packages and not distinctly, legibly and durably branded, stamped or marked in a conspicuous place with the word "oleomargarine," or "butterine," or "patent butter," as the case may be, in letters not less than one-fourth of an inch in width and one-half of an inch in length, or in retail packages not plainly and conspicuously labeled with said words "oleomargarine," or "butterine," or "patent butter," as the case may be, shall be guilty of a misdemeanor, and punished by a fine of not less than twenty-five nor more than one hundred dollars, or shall be confined in the county jail not less than ten nor more than ninety days, or by both such fine and imprisonment in the discretion of the court.

7640. *Process butter; "Quinness' patent."* Any person or firm who shall sell or offer for sale, or make or manufacture, imitation butter or butter made of part cream and part caseine or other ingredients under what is known as "Quinness' patent," or process or any other similar process, whereby the casein of milk and other ingredients are made to imitate and resemble genuine butter made from cream, shall stamp upon each package of the same on the top and side with lampblack and oil, the words "patent butter," in letters at least one-fourth of an inch wide and one-half of an inch long. Whoever violates the provisions of this section is guilty of a misdemeanor, and shall be punished for each offense by a fine of not less than twenty-five nor more than one hundred dollars, or shall be confined in the county jail not less than ten nor more than ninety days, or by both such fine and imprisonment in the discretion of the court.

7641. *Filled cheese; branding; penalty.* Any person or firm who shall sell or offer for sale, or make or manufacture out of any oleaginous substance or substances, or any compound of the same or compound other than that produced from unadulterated milk, any article designed to take the place of cheese, or any imitation of cheese produced from pure milk, or any article termed "filled cheese," shall stamp upon each package of the same on the top and the side with lampblack and oil, the words "filled cheese," or words that shall designate the exact character and quality of the product, in letters at least one-fourth of an inch wide and one-half of an inch long. Whoever violates the provisions of this section is guilty of a misdemeanor and shall be punished for each offense by a fine of not less than twenty-five nor more than one hundred dollars, or shall be confined in the county jail not less than ten nor more than ninety days, or by both such fine and imprisonment in the discretion of the court.

7642. *Patent butter and cheese; card stating ingredients; penalty.* Whoever sells or offers for sale any imitation or patent butter or cheese, as described in the foregoing sections of this chapter, shall give to each purchaser of said goods a printed card stating correctly the different ingredients contained in the said compound. Whoever violates the provisions of this section is guilty of a misdemeanor, and shall be punished for each offense by a fine of not less than twenty-five nor more than one hundred dollars, or shall be confined in the county jail not less than ten nor more than ninety days, or by both such fine and imprisonment in the discretion of the court.

7643. *Possession prima facie evidence of guilt.* The having in possession by any person or firm, of any article or substance prohibited by this chapter, shall be considered prima facie evidence that the same is kept by such person or firm in violation of its provisions, and the state dairy commissioner shall be authorized to seize upon and take possession of any such article or substance, and upon the order of any court which has jurisdiction, he shall sell the same for any purpose other than to be used for food; the proceeds derived from the sale of imitation butter shall be paid one-half to the informer and one-half into the state treasury, to be placed to the credit of the state dairy commissioner's fund.

7644. *Butter samples analyzed; certificate; evidence.* Samples or specimens of any article in imitation of butter or suspected of being of a spurious character, shall be analyzed or otherwise satisfactorily tested as to compounds by the chemist of the

agricultural college at Fargo, free of expense; and a certificate of analysis, sworn to by the analyzer, shall be admissible as evidence in all prosecutions under this chapter.

7645. *Butter not branded or labeled.* The sale or offer for sale of the substance mentioned in the foregoing section in packages not branded, stamped, marked or labeled as in this chapter required, shall be prima facie evidence of knowledge of the character of such substance on the part of the person so selling or offering the same for sale, and his employer.

7646. *Branding of butter and cheese; reports; penalty.* Every cheese factory, creamery, or combined cheese factory and creamery, engaged in the manufacture of butter and cheese, shall procure a stencil or brand bearing a suitable device and words which shall clearly designate the quality of the product manufactured and the number and location of the factory, and may contain a special or private brand or name of said factory; every brand shall be used upon the outside of the cheese and also upon the package containing the same, but in the case of butter, on the package only; and shall report annually to the state commissioner of agriculture and labor, who by virtue of his office is state dairy commissioner, the name, location and number of each factory using the said brand, and the name or names of the persons at each manufactory authorized to use the same, together with a copy of each stencil or brand, and the state dairy commissioner shall keep a book in which shall be registered the same. Whoever violates the provisions of this section shall be guilty of a misdemeanor, and shall be punished by a fine of not less than ten nor more than fifty dollars, for each and every offense.

7647. *Shipment through the state.* Nothing in this chapter shall be so construed as to prohibit the shipment of butter and cheese without unloading through the state of North Dakota.

7648. *"Butter" and "cheese" defined.* For the purposes of this chapter the term "butter," or "cheese," shall be understood to mean the product usually known by that name, and which is manufactured exclusively from milk or cream or both. *Laws of 1895, ch. 49, sec. 1-10; Rev. Code, 1899, ch. 67, p. 1525.*

1687. *Assistant dairy and food commissioner; salary and expenses.* In order to secure the better enforcement of the provisions of this article, and to promote the improvement of the product of the dairy the commissioner of agriculture by and with the advice and consent of the governor shall appoint one deputy in his department to be known officially as assistant dairy and food commissioner, who shall have a practical knowledge of, and experience in the manufacture of dairy products, and hold his office during the term of the commissioner of agriculture subject to removal from office for inefficiency, neglect or violation of duty. The said assistant commissioner shall receive a salary of six hundred dollars per annum and his actual and necessary expenses in the discharge of his duties under this article, and shall be charged under the direction of the commissioner of agriculture with the enforcement of the various provisions thereof. The sum of one thousand dollars annually is hereby appropriated to which shall be added the amount in fines collected in the enforcement of the provisions of this article, to be paid for such purposes out of any moneys in the treasury not otherwise appropriated, and any money so appropriated not expended in the enforcement of the provisions of this article shall revert to the state school fund. All charges, accounts and expenses authorized by this article shall be paid by the treasurer of the state upon the warrant of the state auditor. The entire expense of said assistant commissioner shall not exceed the sum appropriated for the purposes of this article.

1688. *Report of commissioner.* The biennial report of the commissioner of agriculture shall contain a detailed report of the work and proceedings, together with an account of expenses and disbursements of said assistant commissioner, since the preceding report with such facts and statistics in regard to the production, manufacture

and sale of dairy products with such suggestions as he may regard of public importance connected therewith.

1689. *Inspection and sampling; aid to be rendered.* The said assistant commissioner and such persons as shall be duly authorized for the purpose shall have access, ingress and egress to all places of business, factories, farms, buildings, carriages, cars, vessels and cans used in the manufacture and sale of any dairy products or any imitation thereof. They also shall have power and authority to open any package, can or vessel containing such articles which may be manufactured, sold or exposed for sale in violation of the provisions of this article, and may inspect the contents therein and take samples therefrom for analysis. All clerks, bookkeepers, express agents, railroad officials, employees or common carriers shall render to them any assistance in their power when so requested, in tracing, finding or discovering the presence of any prohibited article named in this article.

1690. *Penalty for refusing aid.* Any refusal or neglect on the part of such clerks, bookkeepers, express agents, railroad officials, common carriers or employees to render such friendly aid shall be deemed a misdemeanor and be punished by a fine of not less than twenty dollars nor more than fifty dollars for each and every offense.

1691. *Reports of milk, butter and cheese dealers.* The said assistant commissioner shall provide blanks which shall be furnished all proprietors or managers of creameries, cheese factories and all the venders or peddlers of milk who shall be licensed under the provisions of this article, for the purpose of making a report of the amount of milk and dairy goods handled and all owners or managers of such creameries, cheese factories and venders or peddlers of milk, shall on the first day of November of each year, send to the assistant dairy and food commissioner a full and accurate report of the amount of business done during the year as designated under the different headings of such printed blanks.

1692. *Penalty for failing to report.* Any neglect or failure or false statement on the part of any owner or manager of such creamery, cheese factory, or any vender or peddler of milk shall be considered a misdemeanor and be punished by a fine of not less than ten nor more than fifty dollars.

1693. *Branding of butter and cheese; penalty.* Every creamery, cheese factory or combined creamery and cheese factory engaged in the manufacture of butter and cheese shall procure a stencil or brand bearing a suitable device and words which shall clearly designate the quality of the product manufactured and the number and location of the factory, and may obtain a special or private brand or name of said factory; every brand shall be used upon the outside of the cheese and also upon the package containing the same, but in the case of butter on the package only and shall on the first day of November of each year report to the assistant dairy and food commissioner the name, location and number of each factory using said brand, and the name or names of the persons at each factory authorized to use the same, together with a copy of each stencil or brand and the said assistant commissioner shall keep a book in which shall be registered the same. Any neglect or failure to comply with the provisions of this section shall be considered a misdemeanor and shall be punishable by a fine of not less than ten dollars and not more than fifty dollars for each and every offense.

1694. *Dairymen licensed.* Every person who sells milk from a dairy of five or more cows, and conveys the same in carriages, carts or other vehicles for the purpose of such sale, in any city or town of one thousand inhabitants or more, in this state, shall on the first day of June of each year, or within thirty days thereafter be licensed by the assistant dairy and food commissioner to sell milk within the limits of said city or town, and shall pay to the said assistant commissioner the sum of one dollar each to the use of said dairy and food commissioner, but any person desiring to engage in such dairy business shall first procure a license as aforesaid, which shall be valid until the first day of June next succeeding its issue. Licenses shall be issued only in the names of the owners of carriages, carts, and other vehicles, and shall, for the

purpose of this article, be conclusive evidence of ownership. No license shall be sold, assigned or transferred. Each license shall record the name, residence, place of business, number of carriages, carts or other vehicles used, the name and residence of every driver or other person engaged in selling said milk, and the number of the license. Each licensee shall before engaging in the sale of milk, cause his name, the number of his license, and his place of business to be legibly placed on each outer side of all carriages, carts or other vehicles used by him in the conveyance and sale of milk, and he shall report to the said assistant commissioner any change of driver or other person employed by him which may occur during the term of his license. Whoever without being first licensed under the provisions of this section, sells milk, or exposes it for sale from carriages, carts or other vehicles, or has in his custody or possession with intent to sell, and whoever violates any of the provisions of this section shall be punished by a fine of not less than ten dollars and not more than fifty dollars for each and every offense.

1695. *License to sell milk in stores, etc.* Every person before selling milk or offering it for sale in a store, booth, stand or market place in the respective towns or cities as designated in this article shall procure a license from the assistant dairy and food commissioner and shall pay to said assistant commissioner the sum of one dollar. Whoever neglects to procure said license shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding twenty dollars for each and every offense.

1696. *Unwholesome milk; branding of skimmed milk cheese; penalty.* If any person shall sell, exchange or expose for sale or exchange, or to be converted into any product of human food, any unclean, unhealthy, adulterated, unwholesome or skimmed milk, or milk from which has been held back what is commonly known as stripings, or milk taken from an animal having disease, sickness, ulcers, abscesses or running sores, or which has been taken from an animal within fifteen days before or five days after parturition; or if any person having cows for the purpose of producing milk or cream for sale, shall stable them in an unhealthy place or crowded manner, or shall knowingly feed them food which produces impure, unwholesome milk, or upon any substance in a state of putrefaction or rottenness, or of an unhealthy nature, or shall sell or offer for sale cream which has been taken from milk the sale of which has been prohibited, or shall sell or offer for sale as cream an article which shall contain less than the amount of butter fat as prescribed in this article; or if any person shall sell or offer for sale any cheese manufactured from skimmed milk, or from milk that is partly skimmed without the same being plainly branded, stamped or marked on the side or top of both cheese and package in a durable manner in the English language, the words "skimmed milk cheese," the letters of the words to be not less than one inch in height and one-half inch in width he shall be fined not less than twenty nor more than fifty dollars, but the provisions of this section shall not apply to skimmed milk when sold as such and in the manner and subject to the regulations prescribed in this article.

1697. *Adulteration of milk defined; inspection of dairies.* For the purpose of this article the addition of water or any other substance or thing to the whole milk, or skimmed milk, or partially skimmed milk is hereby declared an adulteration, and milk which is obtained from animals fed upon any substance of an unhealthy nature, is hereby declared impure and unwholesome, and milk which has been proved by any reliable method of test or analyses to contain less than twelve per cent of milk solids to the hundred pounds of milk, or than three pounds of butter fat to one hundred pounds of milk shall be regarded as skimmed or partially skimmed milk, and every article not containing fifteen per cent or more of butter fat shall not be regarded as cream. It is hereby made the duty of the assistant dairy and food commissioner to inspect such dairies as he shall deem necessary and enforce the provisions of the two preceding sections.

1698. *Imitation butter.* No person by himself or his agents or servants shall render

or manufacture, sell, or offer for sale, expose for sale, take orders for the future delivery of, have in his possession, keep in storage, distribute, deliver, transfer or convey with intent to sell within this state any article, product or compound made wholly or partly out of any fat, oil, or oleaginous substance or compound thereof, not produced from unadulterated milk or cream from the same, which shall be in imitation of yellow butter produced from pure unadulterated milk or cream of the same; provided, that nothing in this article shall be construed to prohibit the manufacture or sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its real character free from coloration or ingredient that causes it to look like butter. Whoever violates any of the provisions of this section shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each and every offense.

1699. *Imitation butter must be branded.* Whoever exposes for sale oleomargarine, butterine or any substance made in imitation or semblance of pure butter in tubs, firkins or other original packages not distinctly, legibly and durably branded, stamped or marked in a conspicuous place with the word "oleomargarine" or "butterine" or "imitation butter" as the case may be, in letters not less than one inch in length and one-half inch in width, or in retail packages not plainly and conspicuously labeled with said words "oleomargarine" or "butterine" or "imitation butter" as the case may be, shall be deemed guilty of a misdemeanor and punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each and every offense.

1700. *"Renovated" or "process" butter must be branded.* Whoever by himself, his agents or employees shall manufacture, sell, offer or expose for sale butter that is produced by taking original packing stock or other butter, or both, and melting the same, so that the butter fat can be drawn off, then mixing the said butter fat with skimmed milk, or milk, or cream, or other milk product, and rechurning the said mixture; or that is produced by any similar process, and is commonly known as boiled or process butter, unless the tub, firkin or other original package in which the same may be put up, be distinctly, legibly and durably branded, stamped or marked in a conspicuous place with the words "renovated butter" in printed letters not less than one inch in length and one-half inch in width, in prints, boxes or rolls not plainly and conspicuously labeled on the wrapper thereof with the said words "renovated butter" in printed letters not less than one-half inch in length and one-quarter inch in width, shall be deemed guilty of a misdemeanor and punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each and every offense.

1701. *Serving of imitation butter in hotels, etc.* Whoever furnishes or causes to be furnished in any hotel, restaurant, boarding house or at any lunch counter, oleomargarine or butterine to any guest or patron of such hotel, restaurant, boarding house or lunch counter in the place or stead of butter shall notify said guest or patron that the substance so furnished is not butter and any party so furnishing without such notice shall be punished by a fine of not less than five dollars nor more than ten dollars for each and every offense.

1702. *"Filled cheese" must be branded.* Any person or firm who shall sell or offer for sale or make or manufacture out of any oleaginous substance or substances or any compound of the same or any other compound other than that produced from unadulterated milk, any article designed to take the place of cheese, produced from pure milk or any article termed "filled cheese" shall stamp each package of the same on the top and side with lamp black and oil the words "filled cheese" or words that shall designate the exact character and quality of the product in printed letters at least one inch long and one-half inch wide. Whoever violates the provisions of this section is guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each and every offense.—*Laws of 1899, ch. 72, secs. 1-16; Rev. Code, 1899, p. 473.*

MEAT.

7650. *Slaughter of calves.* Every person who knowingly, either:

1. Kills or causes to be killed, for the purpose of sale as food for man, a calf less than four weeks old; or,
2. Sells or has in his possession with intent to sell as food for man, the meat of any calf killed when less than four weeks old,

Is guilty of a misdemeanor and upon conviction thereof, is punishable by imprisonment in the county jail not exceeding thirty days or by fine not exceeding fifty dollars, or by both.

7651. *Meat may be seized.* The meat of any calf killed when less than four weeks old and exposed for sale or kept with intent to sell for food, may be seized without warrant and destroyed by any health officer, sheriff, deputy sheriff or peace officer.

7652. *Magistrate may issue warrant; procedure.* Any magistrate having reasonable cause to believe by complaint on oath made to him, that the meat of any calf killed when less than four weeks old, is kept or concealed within his county by any person, contrary to the provisions of section 7650, may issue his warrant to any peace officer of such county commanding him, in the daytime only, to search for and, if found, to seize such meat and to notify such owner or keeper of such seizure and that he appear forthwith before the magistrate issuing such warrant to show cause why such meat should not be destroyed. If such owner or keeper does not appear, or if upon investigation before such magistrate it is determined that such meat is kept in violation of such section, the magistrate shall issue his warrant to such officer commanding him forthwith to destroy such meat and such officer shall proceed accordingly, or if it is determined that such meat is not kept contrary to the provisions of such section the same shall be returned to the place where seized. The costs of the proceedings, if contested, shall be taxed against the person claiming such meat if defeated and collected upon execution issued against him, as in a civil action, but if such proceedings are not contested the costs shall be taxed and paid by the county wherein such proceedings are had.—*Laws of 1885, ch. 64; Rev. Code, 1899, ch. 68, p. 1528.*

OHIO.

The dairy and food commission is charged with the enforcement of the food and drug laws of Ohio. The commissioner^a is elected by popular vote, the same as other State officers, and has full power in the appointment of all deputies, attorneys, chemists, and other employees.

GENERAL FOOD LAWS.

4200-4. (1.) *Adulteration prohibited.* *Be it enacted by the General Assembly of the State of Ohio,* That no person shall, within this state, manufacture for sale, offer for sale, or sell any drug or article of food which is adulterated, within the meaning of this act.

4200-5. (2.) *Terms "drug" and "food" defined.* The term "drug," as used in this act, shall include all medicines for internal or external use, antiseptics, disinfectants and cosmetics. The term "food," as used herein, shall include all articles used for food or drink by man, whether simple, mixed or compound.

4200-6. (3.) *Adulteration defined.* An article shall be deemed to be adulterated within the meaning of this act:

(a.) In the case of drugs: (1.) If, when sold under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality or purity laid down therein; (2.) If, when sold under or by a name not recognized in the United States Pharmacopœia but which is found in some other pharmacopœia, or other standard work on materia medica, it differs materially from the standard of strength, quality, or purity laid down in such work; (3.) If its strength, quality or purity falls below the professed standard under which it is sold.

(b.) In the case of food: (1.) If any substance or substances have been mixed with it, so as to lower or depreciate, or injuriously affect its quality, strength or purity; (2.) If any inferior or cheaper substance or substances have been substituted wholly or in part for it; (3.) If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it; (4.) If it is an imitation of, or is sold under the name of another article; (5.) If it consists wholly, or in part, of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not—or, in the case of milk, if it is the produce of a diseased animal; (6.) If it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; (7.) If it contains any added substance or ingredient which is poisonous or injurious to health; provided, that the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food, if *each and every package sold or offered for sale be distinctly labeled as mixtures or compounds, with the name and per cent. of each ingredient therein, and are not injurious to health.* (As amended April 22, 1890; 87 O. L. 248.)

• **4200-7.** (4.) *Sampling.* Every person manufacturing, offering or exposing for sale, or delivering to a purchaser, any drug or article of food included in the provisions of this act, shall furnish to any person interested, or demanding the same, who shall apply to him for the purpose, and shall tender him the value of the same, a

^aSee appendix for comments on laws.

sample sufficient for the analysis of any such drug or article of food which is in his possession.

4200-8. (5.) Penalty. Whoever refuses to comply, upon demand, with the requirements of section 4, (4200-7) and whoever violates any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding one hundred nor less than twenty-five dollars, or imprisoned not exceeding one hundred, nor less than thirty days, or both. And any person found guilty of manufacturing, offering for sale or selling an adulterated article of food or drug under the provisions of this act, shall be adjudged to pay in addition to the penalties hereinbefore provided for, all necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of which said person may have been found guilty of manufacturing, selling or offering for sale.—*Passed Mar. 20, 1884. 81 O. L., 67; Bate's Annotated Statutes 1787-1902, vol. 2, pp. 2336-2337.*

409-7. SEC. 1. Ohio dairy and food commissioner; duties; salary. *Be it enacted by the General Assembly of the State of Ohio,* That there is hereby created the office of dairy and food commissioner of the state of Ohio. Said commissioner shall be elected at the general election held on the first Tuesday after the first Monday in November, A. D. one thousand eight hundred and ninety-six. He shall take his office on the first Tuesday following the fifteenth day of February next after his election, and shall serve for two years, and until his successor is elected and qualified. He shall be charged with the enforcement of all laws against fraud and adulteration or impurities in foods, drinks or drugs, and unlawful labeling in the state of Ohio. His salary shall be two thousand dollars (\$2,000) per year, and his necessary and reasonable expense incurred in the discharge in his official duties, to be paid in monthly instalments at the end of each calendar month.—(*As amended April 19, 1894; 91. O. L. 156.*)

409-8. SEC. 2. Inspection and prosecution. It shall be the duty of said commissioner or assistant commissioner to inspect any articles of butter, cheese, lard, syrup or other article of food or drinks made or offered for sale in the state of Ohio, as an article of food or drink, and to prosecute or cause to be prosecuted any person or persons, firm or firms, corporation or corporations engaged in the manufacture or sale of any adulterated article or articles of food or drink, or adulterated in violation of, or contrary to any laws of the state of Ohio.—(*As amended March 21, 1887; 84 O. L. 205.*)

409-9. SEC. 3. Examinations and analyses. The said commissioner, or any assistant commissioner, shall have power in the performance of their duty, to enter into any creamery, factory, store, salesroom, drug store or laboratory, or place where they have reason to believe food or drink are made, prepared, sold or offered for sale, and to examine their books, and to open any cask, tub, jar, bottle or package, containing or supposed to contain any article of food or drink, and examine or cause to be examined and analyzed the contents thereof, and it shall be the duty of any prosecuting attorney in any county of the state, when called upon by said commissioner or assistant commissioner, to render him any legal assistance in his power, to execute the laws, and to assist in the prosecution of cases arising under provisions of this act.—(*As amended March 21, 1887; 84 O. L. 205.*)

409-10. SEC. 4. Assistant commissioners, chemists, etc.; disposition of fines, fees and costs; annual report. Said commissioner may appoint not to exceed two assistant commissioners, whose salaries shall be one thousand dollars per year, and necessary traveling expenses incurred in the discharge of their official duties, to be paid in like manner with the commissioner's and on itemized vouchers approved by said commissioner; the said commissioner shall have power to employ such experts, chemists,

agents, inspectors and counsel as may by him be deemed necessary for the proper enforcement of the laws, their compensation to be fixed by the commissioner. All charges, accounts and expenses authorized by this act shall be paid out of the state treasury upon vouchers certified by the commissioner, and upon warrant by the state auditor. The entire expense of said commissioner shall not exceed in one year the amount *specifically* appropriated for such purposes. All vacancies in the office of the Food and Dairy Commissioner, shall be filled by appointment of the governor until the next general election, then the same shall be filled as in the original election. All fines, fees and costs assessed and collected under prosecutions begun, or caused to be begun, by the commissioner, and all fines, fees and costs heretofore assessed and collected under prosecution begun, or caused to be begun by the commissioners, shall be paid by the court to the commissioner and by him paid into the state treasury and be credited to the *general revenue fund of the state*. The center room on the north side of the south-west corridor in the capitol building, now occupied by the Dairy and Food Commissioner, is set apart for his use, wherein shall be kept his books, records and other property of the office. He shall keep a seal with which to attest official acts and documents, and shall be entitled to stationery and supplies from the secretary of state as are other state officers. The commissioner shall make an annual report to the governor, on or before the fifteenth day of November of each year, containing itemized statements of all receipts and disbursements, *attorney fees in each specified suit brought in this department*, and all persons employed by him, together with such statistics and other matter as he may regard of value; said reports to be published as are the other reports of the other state officers.—(*As amended April 12, 1898, 93 O. L. 103.*) *Passed May 8, 1886; 83 O. L. 120; Bate's Annotated Statutes, 1787-1902, vol. 1, pp. 270-272.*

409-13. SECTION 1. Commissioner's bond. That the Ohio dairy and food commissioner, before entering upon the discharge of his official duties, shall give bond in the sum of five thousand dollars to the state, with two or more sureties to the acceptance of the governor, conditioned that he will truly account for and apply all moneys or other property which may come into his hands in his official capacity, and for the faithful performance of the duties of his office as the same are prescribed by law; which bond, with his oath of office indorsed thereon, shall be filed with the secretary of state.—*Approved March 4, 1891; 88 O. L., 74.*

409-14. Commissioner's clerk. The dairy and food commissioner of Ohio be and is hereby authorized to employ a clerk for his office, whose compensation shall not exceed twelve hundred dollars per annum, the same to be paid out of fines collected by such commissioner.—*Bate's Annotated Statutes 1902, vol. 1, pp. 270-272.*

2133. Food inspectors, appointed by board of health; records. The board of health may appoint such number of inspectors of dairies, slaughter-houses, shops, wagons, appliances, food and water supplies for animals, milk, meat, butter, cheese and substances purporting to be butter or cheese or having the semblance of butter and cheese, and such other persons as may be necessary to carry out the provisions of this chapter, define their duties, and fix their compensation; and such inspectors may, for such purpose, enter any house, vehicle or yard; and the board of health shall keep for public inspection a record of the names, residence and place of business of all persons engaged in the sale of milk and meat, and may require permits, after inspection, to vend either milk or meat.

2134. *Inspection of dairies, butter and cheese factories, etc.* All dairies, including the cows, cow-stables, milk-houses, and milk-vessels, the owners of which offer for sale within the limits of the corporation, milk or butter manufactured by such owners, shall be subject to inspection by the inspectors, and also any manufactory of butter, or cheese, or of substances having the semblance of butter or cheese, or places where such substances or either of them are sold, shall be subject to inspection by the inspectors; that officer may enter any place where milk is sold, or kept for sale, and all carriages used for the conveyance of milk within the corporate limits; and also any manufactory or place where butter or cheese, or substances having the semblance of butter or cheese, are manufactured, or any place where such substances are sold, or kept for sale within the corporate limits; and whenever he has any reason to believe milk found therein is impure or adulterated, or any butter or cheese, or substances having the semblance of butter or cheese found therein contain any impure, unwholesome or deleterious substance, or is being sold or offered for sale under any false, or deceptive name or designation, that any butter or cheese not made from pure cream or milk, or any substance having the semblance of butter or cheese, is being sold or offered for sale, without being branded or stamped, as required by *section seven thousand and ninety,*^a he shall take specimens thereof and subject them to satisfactory tests; or if the board of health so direct, to chemical analysis, the result of which he shall record and preserve as evidence, and a certificate of such result, sworn to by the analyst shall be admissible in evidence in all prosecutions under this chapter, or any law of this state.—*Bate's Annotated Statutes 1902, vol. 1, p. 1041.*

4277. *Various inspectors and deputies appointed by county probate judges.* The probate judge of each county shall appoint, when it may be necessary, to serve for the term of three years, one gauger and inspector of domestic and foreign spirits, linseed oil, lard oil, and coal oil; one inspector of flour, meal, and biscuit; one inspector of beef, pork, lard and butter; one inspector of pot and pearl ashes; one inspector of fish; one inspector of sawed lumber and shingles; and one inspector of salt who shall have the power of appointing as many deputies to act under them as their respective duties in office may require; and the court may, on complaint and sufficient cause shown, remove any inspector, and fill all vacancies for unexpired term.

4278. *Inspectors' and deputies' oath and bond.* Before any inspector or deputy inspector shall enter upon the duties of his office, he shall take an oath that he will faithfully and impartially execute the duties required of him by law; and each inspector shall moreover enter into bond, with sufficient freehold security, to be approved by the court, in such sum as the court may require, not less than three hundred nor more than one thousand dollars, made payable to the state; which bond, conditioned for the faithful and impartial performance of the duties required of him by law, shall be deposited with the treasurer of such county.

4279. *Suit against inspector or deputy.* Every person who may think himself injured by the incapacity, neglect or misconduct of such inspector or his deputy, may institute a suit on a copy of the bond, certified by the treasurer for the use of the person suing; and the bond shall not become void on the first or any subsequent judgment; but suit must be instituted within one year after the cause of action accrues.

4280. *Duties of inspectors; branding; records; fees.* The different inspectors or their deputies, shall, on application within their respective counties, inspect all wheat or rye flour, or buckwheat meal, biscuit, butter, lard, pork, beef, fish, and pot or pearl ashes, and when inspected stamp on the cask containing the same, with brand-

^a This section has been repealed.

ing irons to be provided by the inspector for that purpose, the name of this state with the name of the county where inspected; the kind and quality of the article inspected; and the weight thereof, which shall be branded on the hogshead, cask, box, package, barrel, or part thereof, containing the same, which shall be conclusive evidence between vendor and vendee at the time of the inspection; which branding irons shall be made and lettered, as may be directed by the probate court; and every inspector shall make, in a book, to be provided by him for that purpose, fair and distinct entries of all articles inspected by him or his deputies, with the names of the persons for whom each article was inspected; and whenever short weight is ascertained, or under tare marked, the inspector so finding, shall be entitled for every hogshead, cask, or box containing over one barrel, twenty cents, and for every barrel and under, ten cents, the charges for repacking and cooperage to be no more than the average price paid for such work at the time the inspection is had, which shall be paid by the party demanding the inspection, or as parties may agree, but in case of forfeiture, they the parties for whose benefit it is condemned, shall pay all such charges; but in case no condemnation takes place then the inspector shall be entitled to the same fees for the inspection of weight he is for quality, but no more.—*Bate's Annotated Statutes 1902, vol. 2, p. 2391.*

6928. *Penalty for selling, etc., unwholesome provisions.* Whoever sells, or offers for sale, or has in his possession with a view to sell any kind of diseased, corrupted, adulterated, or unwholesome provisions, whether for meat or drink, without making the condition of the same known to the buyer, and whoever kills for the purpose of sale, any calf less than four weeks old, or sells, or has in possession with intent to sell, the meat of any calf which he knows to have been killed when less than four weeks old, shall be fined not more than fifty dollars or imprisoned twenty days, or both.

6928-1. *Penalty for feeding unwholesome offal or flesh to swine, etc.* Whoever feeds to swine, or animals of any kind used for human food, the flesh of any old horse, or the flesh of any animal which has become old, decrepit, infirm or sick, or of one that has died from any such cause, or any offal or flesh that is putrid or unwholesome, shall be fined not more than two hundred dollars nor less than fifty, or imprisoned for the first offense not more than thirty days, or both, and for the second offense not more than six months or both.—*Passed March 30, 1896; 92 O. L., 97. Bate's Annotated Statutes 1902, vol. 2, p. 3345.*

7067. *Selling by false weights; penalty.* Whoever knowingly sells, or directs or permits any person in his employ to sell, any property, and makes or gives any false or short weight of measure; and any person owning or having charge of any scales or steelyards for the purpose of weighing any property, who knowingly reports any false or untrue weight, whereby any person may be defrauded or injured, shall be fined not more than fifty dollars or imprisoned not more than thirty days, or both.

7069. *Selling articles having forged brand, label, etc., affixed; penalty.* Whoever vends, or keeps for sale, any goods, merchandise, mixture, or preparation, upon which any forged or counterfeit stamp, brand, imprint, wrapper, label, or trade-mark is placed or affixed, and intended to represent the said goods, merchandise, mixture, or preparation, as the true and genuine goods, merchandise, mixture or preparation of any other person, knowing the same to be counterfeit, shall be fined not more than one hundred dollars. [56 v. 86.]—*Bate's Annotated Statutes 1902, vol. 2, pp. 3398 and 3399.*

7072. *Failure to mark weights on packages; fraudulent transfer of brands or repacking of branded packages.* Whoever puts up or packs any goods or articles sold by weight, into any case or package, and fails or omits to mark thereon the gross, tare, and net weights thereof, in pounds and fractions of pounds; or, with intent to defraud, in any way transfers any brand, mark, or stamp, put upon any case or package by any manufacturer, to any other case or package; or, with the like intent repacks any case or package marked with the brand, mark or stamp of any manufacturer, with goods or articles of a quality inferior to the goods or articles of that manufacturer, shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both.—*Bate's Annotated Statutes 1902, vol. 2, p. 3400.*

7097. *Counterfeiting inspector's brand; penalty.* Whoever willfully forges or counterfeits any representation, likeness, similitude, copy, or imitation of the brand or mark of an inspector appointed according to law, or impresses such forged or counterfeited brand or mark on any cask, barrel, firkin, keg, box or package containing articles subject to inspection according to law, shall be fined not more than five hundred dollars, or imprisoned in the penitentiary not more than twelve months or both.

7098. *Fraudulent use of genuine brands, stamps, etc.* Whoever has in his possession any die, plate, brand, engraving, printed label, stamp, imprint, wrapper, or trade-mark, or any representation, likeness, similitude, copy, or imitation thereof, usually affixed by any person to or upon articles made, manufactured, prepared, or compounded by him, for the purpose of making impressions or selling the same when made, or using the same upon any other articles made, manufactured, prepared, or compounded, and passing the same off upon the community as the original goods, manufacture, preparation or compound of any other person, or so in fact sells or uses the same, [or] wrongfully and fraudulently uses the genuine stamp, brand, imprint, wrapper, label or trade-mark, with intent to pass off any goods, wares, merchandise, mixture, compound, or other article, not the manufacture of the person to whom such stamp, brand, imprint, wrapper, label or trade-mark properly belongs, as genuine and original, shall be fined not more than five hundred dollars or imprisoned not more than twelve months, or both.—*Bate's Annotated Statutes 1902, vol. 2, p. 3411.*

7306a. *Proceeding to reverse order of conviction in circuit court.* Whenever after a conviction of any crime, misdemeanor or violation of a city ordinance in any court inferior to the circuit court, such conviction may be reversed by the circuit court; in each and all such cases the attorney representing the state may take proceedings in error in the supreme court to reverse the order of reversal in the circuit court, and it shall be the duty of the clerk of the circuit court on application by or on behalf of the state to make a record of the docket and journal entries in any such case, and the clerk shall transmit to the supreme court on the precipe of the attorney the record and transcript of all docket and journal entries therein, and of all bills of exceptions, papers and files in the case. And like proceedings shall be had in the supreme court at the hearing of the petition in error as in other cases. And it shall be the duty of the presiding judge of such circuit court to appoint some competent attorney to argue such case against the prosecuting attorney in the supreme court. And such attorney shall receive for his services a fee to be fixed by such circuit court, not exceeding one hundred dollars, to be paid out of the treasury of said county upon the order of such circuit court.—*Passed April 17, 1896. Bate's Annotated Statutes 1902, vol. 2, p. 3464; 92 O. L., 187.*

3718a. *Procedure in administration of food laws, jurisdiction, costs, etc.* Any justice of the peace, police judge, or mayor of any city or village, shall each have jurisdiction within his county, in all cases of violation of the laws to prevent the adulteration of food and drink, the adulteration or deception in the sale of dairy products, or any other foods, and drugs and medicines, and any violation of the law for the prevention of cruelty to animals or children, or under section 3140-2, 4364-24, 4364-25, 6984, 6984a of the Revised Statutes of Ohio. In any such prosecution where imprisonment may be a part of the punishment, if a trial by jury be not waived, the said justice of the peace shall, not less than three nor more than five days before the time fixed for trial, certify to the clerk of the court of common pleas of his county that such prosecution is pending before him. Thereupon said clerk shall proceed to draw, in the presence of representatives of both parties, from the jury wheel or box containing the names of persons selected to serve as petit jurors in the court of common pleas in said county, twenty ballots or names, which shall be drawn and counted in the same manner as for jurors in said court of common pleas. Said clerk shall forthwith certify the names so drawn to said justice of the peace, who, upon receipt thereof, shall issue to any constable of the county a venire containing such names to serve as jurors to try such case and make due return thereof. The jurors shall be subject to the same challenges as jurors are subject to in criminal cases, except capital cases, in the court of common pleas. If the venire of twenty names be exhausted without obtaining the required number to fill the panel, the justice shall fill the panel with talesmen in the manner provided for criminal cases in said court of common pleas. In all cases prosecuted under the provisions of this act, no costs shall be required to be advanced or be secured by any person or persons authorized under the law to prosecute such cases; and if the defendant be acquitted or discharged from custody, by nolle or otherwise, or if he be convicted and committed in default of paying fine and costs, all costs of such case shall be certified by said justice of the peace under oath to the county auditor, who, after correcting any errors in the same, shall issue a warrant on the county treasurer, in favor of the person or persons to whom such costs and fees shall be paid. And in cases brought for any violation of law for the prevention of cruelty to animals or children, or under section 3140-2, 6984, 6984a or (7017-3) Revised Statutes of Ohio, any humane society or their agents may employ an attorney to prosecute the same, who shall be paid for his services out of the county treasury in such sum as any judge of the court of common pleas or probate judge, within said county, or the county commissioners, may approve as just and reasonable.

In pursuing or arresting any defendant and in subpoenaing the witnesses, the jurisdiction and powers of the constable or other court officer acting in such capacity, in all such cases, shall be the same as that of the sheriff of the county in criminal cases in the common pleas court, and he shall receive the same fees therefor as are allowed said sheriff. Jurors in all such cases and witnesses subpoenaed in all such cases shall be entitled to like mileage and fees, as are allowed in criminal cases in the court of common pleas, and in all other respects, in so far as the same may be applicable, the procedure provided for in criminal cases in the common pleas court not otherwise inconsistent herewith, shall be followed. And provided further, that where, in any such laws, after the first offense, a different punishment is provided for subsequent offenses, the information or affidavit, in order to avail the state of the benefit of such additional punishment, shall so charge that it is the second or subsequent offense, and unless such special charge is so made, the punishment shall in all cases be as of the first offense. All costs and moneys which are to be paid by the county treasurer as herein provided, shall be paid out of the general revenue fund of said county. And in any case prosecuted under the provisions of this section, a new trial, after a verdict of conviction, may be granted, for any of the reasons enumerated in section seventy-three hundred and fifty of the Revised Statutes, upon the written application

of the defendant, filed within three days after the rendition of the verdict; provided that the causes enumerated in subdivision two, three and five of said section must be sustained by affidavits or other evidence showing their truth and may be controverted by like evidence. (*Passed May 10, 1902.*) *Revised Statutes of Ohio.*

ALCOHOLIC BEVERAGES.

4200-56. (1). *Adulterated wine defined; penalty.* Be it enacted by the General Assembly of the State of Ohio, That all liquors denominated as wine containing alcohol, "except such as shall be produced by natural fermentation of pure undried grape-juice," or compounded with distilled spirits, or by both methods, whether denominated as wine, or by any other name whatsoever, in the nature of articles for use as beverages, except as allowed in section four (§4200-59) of this act, or for compounding with other liquors for such use, and all compounds of the same with pure wine, and all preserved fruit-juices compounded with substances not produced from undried fruit, in character of, or intended for use as beverages, and all wines (including all grades and kinds) which contain, or in the production or manufacture of which, any glucose, or uncrystallized grape or starch sugar, or cider, or pomace of grapes out of which the juice has been pressed or extracted, known as grape cheese, has been used, and all wines, imitation of wines or other beverages produced from fruit into which carbonic acid gas has been artificially injected, or which shall contain any alum, baryta, salts, caustic lime, carbonate of soda, carbonate of potash, carbonic acid, salts of lead, salicylic acid or any other antiseptic, coloring matter (other than produced from undried fruit, or pure sugar), essence of ether or any foreign substance whatever, which is injurious to health, shall be denominated as adulterated wine, and any person or persons who shall manufacture, or cause the same to be done, with intent to sell, or shall sell or offer to sell, any of such wine or beverage, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than two hundred dollars, or more than one thousand dollars, or be imprisoned in the county jail for a term of not less than thirty days or more than six months, or by both such fine and imprisonment, in the discretion of the court, and shall be liable to a penalty of one dollar for each gallon thereof sold, offered for sale, or manufactured with intent to sell, and such wine or beverage shall be deemed a public nuisance and forfeited to the state, and shall be summarily seized and destroyed by any health officer, marshal, constable or sheriff, within whose jurisdiction the same shall be found, and the reasonable expense of such seizure and destruction, not exceeding the amount paid for similar services, shall be a county charge, and paid out of the county treasury in the same manner as costs in criminal cases, where the state fails to convict, are now allowed and paid out of such treasury. (*As amended March 26, 1891; 88 O. L. 231.*)

4200-57. (2.) *Defining "pure wine;" labels.* For the purpose of this act the words "pure wine" shall be understood to mean the fermented juice of the undried grapes, without the addition thereto of water, sugar, or any foreign substance whatever; and all such wines shall be known as "pure wine," and shall be stamped, branded, labeled, designated and sold as "pure wine," and the name and kind of wine, and that of the locality where such wine is made, and of the manufacturer, may also be added; and it shall be unlawful to affix any stamp, brand or label containing the words "pure wine" (either alone or with other words) on any vessel, package, bottle or other receptacle containing any substance other than pure wine as in this section defined, or to prepare, or use on any vessel, package, bottle or other receptacle containing any liquid, any imitation or counterfeit of such stamp, label or brand, or any stamp, label or brand of such form and appearance as to be calculated to mislead or deceive any person, or cause to be supposed that the contents thereof be pure wine, or to use any vessel, package, bottle or other receptacle, hav-

ing such stamp, brand or label affixed thereon, except for pure wine, as in this section defined; and if the name of the manufacturer is added, then only of such manufacturer's make, providing the same is pure wine; and any person selling such wine shall in the invoice thereof plainly state and designate the same as "pure wine." (*As amended March 26, 1891; 88 O. L. 231.*)

4200-58. (3.) "Wine" defined. For the further purpose of this act the word "wine" shall be understood to mean the fermented juice of undried grapes; provided, however, that the addition of pure white or crystalized sugar to perfect the wine, or the using of the necessary things to clarify and refine the wine which are not injurious to health, shall not be construed as adulterations, but such wine shall contain at least seventy-five per cent. of pure grape juice, and shall not contain any artificial flavoring whatever; and all such "wine" shall be known as "wine" and shall be stamped, branded, labeled and sold as "wine," in the same manner as is provided in section two [§ (4200-57)] of this act in case of pure wine, except the words in this case shall be "wine" without the prefix "pure;" and all the provisions of said section two, [§(4200-57)] as far as applicable, shall govern the manufacture and sale of "wine" as in this section defined. And any person selling such wine shall in the invoice thereof plainly state and designate the same as "wine" without using the prefix "pure." (*As amended March 26, 1891; 88 O. L. 231.*)

4200-59. (4.) "Compounded wine" defined; labeling. For the further purpose of this act, the words "compounded wine" shall be understood to mean any wine which contains less than seventy-five per cent. of pure undried grape-juice, and is otherwise pure, and all wines containing alcohol or any other distilled spirits not produced by the natural fermentation of pure undried grapes, such wine shall be known as compounded wine, and shall be branded, marked, labeled and sold as compounded wine, and the name of such wine may be added, or such wine shall be branded, labeled and marked by using the word "compounded" next preceding the name of such wine, such as "compounded sweet catawba," or "compounded port wine," or the like (and an addition of pure distilled spirits not to exceed eight per cent. of its volume shall not be taken to be an adulteration of such wine); and upon each and every package, barrel or other receptacle of such wine, which shall contain more than three gallons, there shall be stamped upon both ends of such package, barrel or other receptacle, in black printed letters at least one inch high and of proper proportion, the words "compounded wine," or the name of such wine, preceded by the word "compounded" as in this section provided, and upon all packages or receptacles which shall contain more than one quart and up to three gallons, there shall be stamped upon each of said packages or receptacles in plain, printed black letters, at least one-half inch high, and of proper proportion, the words "compounded wine," or the name of such wine, preceded by the word "compounded," as in this section provided, and upon all packages, bottles or other receptacles of one quart or less, there shall be placed a label securely pasted thereon, on which label the words "compounded wine," or the name of the wine preceded by the word "compounded," shall be plainly printed in black letters at least one-fourth of an inch high and of proper proportion. Should any number of such packages or other receptacles be inclosed in a larger package, as a box, barrel, case or basket, such outside package shall also receive the stamp "compounded wine," or the name of such wine, preceded by the word "compounded," the letters to be the size according to the amount of such wine contained in such outside packages. And any person selling wine of the kind in this section defined, shall in the invoice thereof plainly state and designate such wine as "compound wine." (*As amended March 26, 1891; O. L. 231.*)

4200-60. (5.) Misbranding; penalty; prosecutions. Any person or persons who shall sell or offer for sale, or manufacture or cause the same to be done, with intent to sell any wine stamped or labeled, or branded, or designated in any manner as

"pure wine," either by including the word "pure" with "wine" alone or in connection with other words, which is not "pure wine," as is in section two [§(4200-57)] of this act defined, or any wine stamped, or labeled or branded, or in any manner designated as "wine," but which is not wine as in section three [§(4200-58)] of this act defined, or shall violate any provisions of said sections two and three of this act, or shall sell or offer for sale, or manufacture, or cause the same to be done, with intent to sell any wine of the kind and character as described in the fourth section [§(4200-59)] of this act, which shall not be stamped, marked or labeled, after the manner and mode therein prescribed, or which is falsely stamped, or marked, or labeled, such person or persons shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars or more than one thousand dollars for each and every offense, or by imprisonment in the county jail not less than thirty days or more than six months, or both fine and imprisonment, in the discretion of the court, and in addition thereto shall be liable to a penalty of one-half dollar for each gallon thereof sold, offered for sale, or manufactured with intent to sell or offer for sale. All penalties imposed by this act, may be recovered with costs of action by any person in his own name, before any justice of the peace in the county where the offense was committed, where the amount does not exceed the jurisdiction of such justice; and such penalties may be recovered in the like manner in any court of record in the state, but on the recovery by the plaintiff in such case for a sum less than fifty dollars, the plaintiff shall only be entitled to costs to amount equal to the amount of such recovery. It shall be the duty of the prosecuting attorney of the respective counties of this state, and they are hereby required to prosecute or commence action in the name of the state of Ohio, for the recovery of the penalties allowed herein, upon receiving proper information thereof, and in actions brought by such prosecuting attorney, one-half of the penalty recovered shall belong to and be paid over to the person or persons giving the information upon which the action is brought, and the other one-half shall be paid to the treasurer of the county in which the action is brought, within thirty days from the time of its collection, and such money shall be placed to the credit of the poor fund of the town, city or township in which the cause of action arose, after paying therefrom a reasonable attorney fee to the prosecuting attorney prosecuting such suit, to be fixed and allowed by the court trying such cause. All judgments recovered in pursuance of the provisions of this act, with interest thereon, may be collected and enforced by the same means and in the same manner as judgments in other cases. Two or more penalties may be included in the same action.

4200-61. (6.) *Medicated wines, etc., exempt.* The provisions of this act shall not apply to medicated wines, such as are put up and sold for medicinal purposes only; nor to currant wine or other wines made from fruits, other than grapes, which are plainly labeled, or branded, or designated and sold, or offered for sale under names including the word wine, but also expressing distinctly the fruit from which they are made, as "gooseberry wine," "elderberry wine," or the like.—*Bate's Annotated Statutes 1902, vol. 2, pp. 2346-2349.*

6949. *Branding; penalty.* Whoever, being engaged in the manufacture and sale of intoxicating liquor, fails to brand on each package containing the same the name of the person or company manufacturing, rectifying, or preparing the same, and also the words "Containing no poisonous drug, or other added poison," shall be fined not more than one thousand dollars, and imprisoned not more than six months nor less than one month.

6950. *Adulteration; penalty.* Whoever adulterates, except for medicinal, or mechanical purposes, any spirituous or alcoholic liquors, by mixing the same with any substance, or sells or offers to sell any such liquor, knowing the same to be thus adulterated,

or imports into this State, and sells or offers to sell, any such liquor, knowing the same to be thus adulterated, and not inspected as required by law, shall be fined not more than five hundred nor less than one hundred dollars, and imprisoned not more than thirty nor less than ten days.—*Bate's Annotated Statutes, 1902, vol. 2, p. 3358.*

4327. *Standard for casks and barrels.* All barrels or casks containing domestic spirits, shall be made of good, well seasoned white oak timber, clear of sap wood, bound with not less than ten good and sufficient hoops.

4328. *Inspectors to brand casks as to quality and quantity of contents.* Each inspector of domestic spirits, appointed under the provisions of this chapter, shall provide himself with the most common and approved instruments for ascertaining the capacity of a barrel or cask, and with the hydrometer used by the United States inspectors for ascertaining the strength of spirituous liquors, to test the quality or proof thereof, and to keep the same in good order; and when called upon for that purpose shall immediately gauge or ascertain the capacity and contents of any barrel or cask, and the quality or proof of the contents thereof, and mark on such barrel or cask the true quantity the barrel or cask will contain, in wine gallons, the amount of wastage, and the quality or proof of such domestic spirits, with the word "Ohio" and the name of the county where inspected.

4329. *Liquors to be inspected.* The inspector shall inspect all alcoholic liquors imported into or manufactured in the county in which he is inspector, unless the same has the inspector's brand of some other county in this State, which brand shall be evidence of the purity of the article.

4330. *Sale of uninspected liquor; penalty.* Any person who sells or offers to sell any spirituous liquors, not inspected as herein provided, shall be fined in any sum not exceeding five hundred dollars, nor less than one hundred dollars, and imprisoned in the jail of the county, not more than thirty nor less than ten days.

4331. *Inspector's record; fees and expenses.* The inspector shall keep an accurate account of all liquors by him inspected, and mark on the casks or barrels, the word "pure," if so found, and if otherwise, the word "impure;" and when he finds any adulterated liquors, he shall give notice to the prosecuting attorney of the county, of the person owning or offering for sale, such adulterated liquors, who shall forthwith institute proceedings against such persons as hereinafter provided; and if, upon the trial he is found guilty of a violation of the foregoing provisions, the inspector shall forthwith destroy such adulterated liquor. The inspector shall be entitled to receive for his services, two dollars per day, and mileage at the rate of five cents per mile, for each mile he may necessarily be required to travel in the discharge of his duties, from the owner of the same, or the person offering to sell.

4332. *Medicinal liquors, etc., exempt.* The provisions of this chapter shall not be so construed as to prevent druggists, physicians and persons engaged in the mechanical arts, from adulterating liquors for medicinal or mechanical purposes.

4333. *Inspector's fine for dealing in articles inspected.* Any person appointed inspector and gauger of domestic and foreign spirits, or linseed oil, who purchases, stores, freights, or in anywise deals in the articles he is appointed to inspect or gauge, either directly or indirectly, shall forfeit and pay for every such offense, a sum not exceeding one hundred dollars, and be removed from office.—*Bate's Annotated Statutes, 1902, vol. 2, pp. 2400-2401.*

7073. *False branding; fine.* Whoever puts into any barrel, cask or other vessel, having the private stamp, brand, wrapper, label, or trademark usually affixed by any maker of wine from grapes grown within the State of Ohio, adulterated liquors,

for the purpose of deceiving any person by the sale thereof, shall be fined not more than one hundred dollars, or imprisoned not more than twelve nor less than three months, or both.

7074. False use of casks branded "pure." Whoever puts into any barrel, cask or other vessel branded or marked pure by any inspector in this State, adulterated liquors, or knowingly sells or offers for sale such liquors, in packages so branded, shall be imprisoned in the penitentiary not more than twelve months.—*Bate's Annotated Statutes, 1902, vol. 2, pp. 3401-3402.*

7081. Adulteration of domestic wines. Whoever adulterates any wine made, or juice expressed, from grapes grown within the state of Ohio, by mixing therewith any drugs, chemicals, cider, whiskey, or other liquor, and whoever sells, or offers to sell, any such adulterated wine or grape juice, knowing the same to be adulterated, shall be fined in any sum not more than three hundred dollars, nor less than fifty dollars.

7082. Adulteration of liquors; penalty. Whosoever adulterates, for the purpose of sale, any spirituous, alcoholic or malt liquors used or intended for drink, or medical or mechanical purposes, with coculus-indicus, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel water, logwood, Brazilwood, cochineal, sugar of lead, aloes, glucose, tannic acid, or any other substance which is poisonous or injurious to health, or with any substance not a necessary ingredient in the manufacture thereof; and whosoever sells, or offers or keeps for sale any such liquors so adulterated, shall be fined in any sum not less than twenty nor more than one hundred dollars, or be imprisoned not less than twenty, nor more than sixty days, or both, at the discretion of the court. And any person guilty of violating any of the provisions of this section, shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all necessary costs and expenses incurred in inspecting and analyzing any such adulterated liquors of which said party may have been guilty of adulterating, or selling, or keeping for sale or offering for sale. [*As amended March 25, 1882, 79 O. L., 52.*]

7083. Manufacturing or selling poisoned liquors. Whosoever uses any active poison in the manufacture or preparation of any intoxicating liquor, or sells in any quantity any intoxicating liquor so manufactured or prepared, shall be imprisoned in the penitentiary not more than five years, nor less than one year.—*Bates Annotated Statutes, 1902, vol. 2, p. 3405.*

7096. Forging brand, stamp, label or trade-mark. Whoever wilfully forges or counterfeits any representation, likeness, similitude, copy, or imitation of the private brand, wrapper, label or trade-mark usually affixed by any person to or upon the goods, wares, merchandise, preparation, or mixture of such person, or by any maker of wine from grapes grown within this state, to the bottles or casks used by him to contain the same, with the intent to pass off any work, goods, manufacture, wine, compound, preparation or mixture, to which such forged or counterfeit representation, likeness, similitude, copy or imitation is affixed, or intended to be affixed, as the work, goods, manufacture, wine, compound, preparation or mixture of such person, shall be fined not more than five hundred dollars, or imprisoned not more than twelve months, or both.—*Bates Annotated Statutes, 1902, vol. 2, p. 3411.*

CANDY.

4200-1. Manufacture and sale of adulterated candy. No person shall manufacture for sale, or sell or offer to sell any candy adulterated by the admixture of terra alba, barytes, talc, or other mineral substance, or poisonous colors, or flavors, or other ingredients, deleterious or detrimental to health.

4200-2. Samples. Every person manufacturing any candy, or offering or exposing the same for sale, shall furnish to any person interested or demanding the same, who shall apply to him for that purpose, and shall tender him the value of the same, a sample sufficient for the analysis thereof.

4200-3. Penalties. Whoever refuses to comply, upon demand, with the requirements of section 2 [4200-2], and whoever violates any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction, shall be fined not exceeding one hundred dollars, nor less than twenty-five dollars, or imprisoned not exceeding one hundred nor less than thirty days, or both; and he shall be adjudged to pay in addition all necessary costs and expenses incurred in the inspecting and analyzing such adulterated candy, and the same shall be forfeited and destroyed under the direction of the court.—*Passed May 8, 1896; 83 O. L., 119. Bate's Annotated Statutes, 1784-1902, vol. 2, p. 2335.*

CANNED GOODS.

7072-2. (1.) Sale of unlabeled canned fruits and vegetables. It shall hereafter be unlawful in this state for any packer or dealer in preserved or canned fruits and vegetables, or other articles of food, to offer such canned articles for sale after January 1, 1886, with the exception of goods brought from foreign countries or packed prior to the passage of this act, unless such articles bear a mark to indicate the grade or quality, together with the name and address of such firm, person or corporation that pack the same, or dealer who sells the same.

7072-3. (2.) Labeling of "soaked" goods and cans of maple molasses. That all soaked goods, or goods put up from products dried before canning, shall be plainly marked by an adhesive label, having on its face the word "soaked," in letters not less in size than two-line pica, of solid and legible type; and all cans, jugs, or other packages, containing maple syrup or molasses, shall be plainly marked by an adhesive label, having on its face the name and address of the person, firm or corporation who made or prepared the same, together with the name and quality of the goods, in letters of the size provided in this section.—*Amended February 23, 1886; 83 O. L., 10; reenacted April 8, 1886; 83 O. L., 73.*

7072-4. (3.) False or fraudulent stamps or labels; penalty. Any person, firm or corporation who shall falsely stamp or label such cans or jars containing preserved fruit or food of any kind, or knowingly permit such false stamping or labeling, and any person, firm or corporation who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and punished with a fine not less than \$50 in case of vendors, and in the case of manufacturers, and those falsely or fraudulently stamping or labeling such cans or jars, a fine of not less than \$500 nor more than \$1,000; and it shall be the duty of any board of health in this state, cognizant of any violation of this act, to prosecute any person, firm or corporation which it has reason to believe has violated any of the provisions of this act, and after deducting the costs of trial and conviction, to retain for the use of such board the balance of the fine or fines recovered.—*Passed April 29, 1885; 82 O. L., 163. Bate's Annotated Statutes, 1902, vol. 2, p. 3401.*

DAIRY PRODUCTS.^a

4200-9. (1.) Adulterated or diseased milk. Whoever, by himself or by his servant, or agent, or as the servant or agent of any other person, sells, exchanges or delivers, or has in his custody or possession with intent to sell or exchange, or exposes or offers for sale or exchange, adulterated milk, or milk to which water or any foreign substance has been added, or milk from diseased or sick cows, shall, for a first offense, be punished by a fine of not less than fifty nor more than two hundred dollars; for a second offense, by a fine of not less than one hundred dollars

^a See also "General Food Laws."

nor more than three hundred dollars, or by imprisonment in the workhouse for not less than thirty nor more than sixty days; and for a subsequent offense, by a fine of fifty dollars, and by imprisonment in the workhouse of not less than sixty nor more than ninety days.

4200-10. (2.) *Skimmed milk sold as pure.* Whoever, by himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers, or has in his custody or possession, with intent to sell or exchange, or exposes or offers for sale as pure milk, any milk from which the cream or part thereof has been removed, shall be punished by the penalties provided in the preceding section.

4200-11. (3.) *Skimmed milk must be labeled.* No dealer in milk, and no servant or agent of such a dealer, shall sell, exchange, or deliver, or have in his custody or possession with intent to sell, exchange or deliver, milk from which the cream or part thereof has been removed, unless in a conspicuous place above the center, upon the outside of every vessel, can or package, from which or in which such milk is sold, the words "skimmed milk" are distinctly marked in uncondensed Gothic letters not less than one inch in length. Whoever violates the provisions of this section shall be punished by the penalties provided in section 1. [§(4200-9).]

4200-12. (4.) *Adulterated milk defined.* In all prosecutions under this chapter, if the milk is shown upon analysis, to contain more than eighty-eight per cent. of watery fluid, or to contain less than 12 per cent. solids, not less than one-fourth of which must be fat, it shall be deemed, for the purpose of this chapter to be adulterated, and not of good standard quality, except during the months of May and June, when milk containing less than eleven and one-half per cent. of milk solids shall be deemed to be not of good quality. (*As amended April 14, 1896, 92 O. L., 149.*)—*Passed April 10, 1889; 86 O. L., 229. Bate's Annotated Statutes, 1787-1902, vol. 2, pp. 2337-2338.*

4200-13. (1.) *Imitation butter and cheese.* No person, by himself or his agent, or his employee, shall render or manufacture for sale out of animal or vegetable oils, not produced from unadulterated milk or cream from the same, any article in imitation or semblance of natural butter or cheese produced from pure unadulterated milk or cream from the same, nor compound with, or add to milk, cream or butter any acids or other deleterious substance, or animal fats or animal or vegetable oils not produced from milk or cream, so as to produce any article or substance, or any human food, in imitation or semblance of natural butter or cheese, nor shall sell, keep for sale or offer for sale any article, substance or compound made, manufactured or produced in violation of the provisions of this section, whether such article, substance or compound shall be made or produced in this state or elsewhere.

4200-14. (2.) *Natural butter and cheese, etc., defined.* For the purpose of this act the terms "natural butter and cheese," "natural butter or cheese produced from pure unadulterated milk or cream from the same, butter and cheese made from unadulterated milk or cream, butter or cheese, the product of the dairy," and butter or cheese shall be understood to mean the products usually known by the terms butter and cheese, and which butter is manufactured exclusively from pure milk or cream or both, with salt and with or without any harmless coloring matter, and which cheese is manufactured exclusively from pure milk or cream or both, with salt and rennet and with or without any harmless coloring matter or sage. It is further provided that nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine, in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from any coloring matter or other ingredient causing it to look like or appear to be butter, as above defined.

4200-15. (3.) *Penalty.* Whoever violates the provisions of this act shall be guilty of a misdemeanor, and be punished by a fine of not less than one hundred

dollars, nor more than five hundred, or less than six months nor more than one year's imprisonment for the first offense, and by imprisonment for one year for each subsequent offense.—*Passed March 7, 1890; 84 O. L., 51. Bate's Annotated Statutes, 1902, vol. 2, p. 2338.*

4200-16. (1.) *Coloring matter in oleomargarine.* No person shall manufacture, offer or expose for sale, sell or deliver, or have in his possession with intent to sell or deliver, any oleomargarine which contains any methly [methyl] orange, butter yellow, annatto, analine dye, or any other coloring matter.

4200-17. (2.) *Placards to be displayed by dealers in oleomargarine.* Every person who shall offer or expose for sale, sell or deliver, or have in his possession with intent to sell or deliver, any oleomargarine, shall keep a white placard not less in size than ten by fourteen inches, in a conspicuous place where the same may be easily seen and read, in the store, room, stand, booth, vehicle or place where such substance is offered or exposed for sale, on which placard shall be printed in black letters, not less in size than one and one-half inches square, the words, "oleomargarine sold here;" and said placard shall not contain any other words than the ones described; and no person shall sell or deliver any oleomargarine unless it be done under its true name, and each package has on the upper side thereof a label on which is printed in letters not less than five-eighths of an inch square the words "oleomargarine," and in letters not less than one-eighth of an inch square, the name and per cent of each ingredient therein.

4200-18. (3.) *Placards to be displayed by hotel proprietors, etc.* Every proprietor, keeper, manager or person in charge of any hotel, boat, railroad car, boarding-house, restaurant, eating-house, lunch-counter or lunch-room, who therein sells, uses, serves, furnishes or disposes of or uses in cooking, any oleomargarine, shall display and keep a white placard in a conspicuous place, where the same may be easily seen and read, in the dining-room, eating-room, restaurant, lunch-room or place where such substance is furnished, served, sold or disposed of, which placard shall be in size not less than ten by fourteen inches, upon which shall be printed in black letters, not less in size than one and a half inches square, the words, "oleomargarine sold and used here," and said card shall not contain any other words than the ones above described, and such proprietor, keeper, manager or person in charge shall not sell, serve or dispose of such substance as for butter when butter is asked for or purported to be furnished or served. (*As amended Feb. 13, 1896; 92 O. L., 23.*)

4200-19. (4.) *Oleomargarine defined.* The word "oleomargarine," as used in this act, shall be construed to mean any substance not pure butter of not less than eighty per cent. of butter fats, which substance is made as substitute for, in imitation of, or to be used as butter.

4200-20. (5.) *Penalty.* Any manufacturer who violates any of the provisions of this act shall, upon conviction thereof, be fined in any sum not less than one hundred dollars, nor more than five hundred dollars; and for each subsequent offense, in addition to the above fine, may be imprisoned in the county jail not more than ninety days. Any other person violating any of the provisions of this act shall, upon conviction thereof, be fined not less than fifty dollars nor more than one hundred dollars.—*Passed May 16, 1894; 31 O. L., 247. Bate's Annotated Statutes, vol. 2, pp. 2338-2339.*

4200-21. (1.) *Branding of "filled cheese" and "skimmed cheese."* Whoever, by himself or by his agents, sells, exposes for sale, or has in his possession with intent to sell, any article, substance, or compound made in imitation or semblance of cheese, or as a substitute for cheese, and not made exclusively and wholly of milk or cream, with salt, rennet, and with or without harmless coloring matter, or containing any

fats, oils, or grease not produced from milk or cream, shall have the words "filled cheese," and all cheese made exclusively and wholly from milk or cream with salt, rennet, and with or without harmless coloring matter, and containing less than twenty per cent. of pure butter fat, shall have the words "skimmed cheese," stamped, labeled, or marked, in printed letters of plain, uncondensed Gothic type, not less than one inch in length, so that the words can not easily be defaced, and upon the side of every cheese, cheese cloth or band around the same, and upon the top and side of every tub, firkin, box, or package containing any of said article, substance, or compound. And in case of retail sales of any said articles, substance or compound, not in the original package, the seller shall, by himself or by his agents, attach to each package so sold, and shall deliver therewith to the purchaser, a label or wrapper bearing in a conspicuous place upon the outside of the package the words "filled cheese," or "skimmed cheese," as the case may be, in printed letters of plain, uncondensed Gothic type, not less than one inch in length. (*As amended April 7, 1898; 93 O. L., 89.*)

4200-22. (2.) Penalty. Whoever, by himself or his agents, sells, exposes for sale, or has in his possession with intent to sell, any article, substance, or compound made in imitation or semblance of cheese, or as a substitute for cheese, except as provided in section 1 [4200-21] of this act, and whoever, with intent to deceive, defaces, erases, cancels or removes any mark, stamp, brand, label or wrapper provided for in said section, or in any manner shall falsely label, stamp, or mark any box, tub, article, or package marked, stamped or labeled as aforesaid, shall be punished by a fine of not less than fifty nor more than one hundred dollars, or by imprisonment in the county jail not less than ten nor more than thirty days for the first offense, and by a fine not less than one hundred nor more than two hundred dollars, or by imprisonment in the county jail not less than twenty nor more than sixty days, or both, for each subsequent offense.

4200-23. (3.) Sale of imitation cheese as genuine; penalty. Whoever, by himself or his agents, sells or offers for sale, to any person who asks, sends, or inquires for cheese, any article, substance, or compound made in imitation or semblance of cheese, or as a substitute for cheese, not made entirely from milk or cream, with salt, rennet, and with or without harmless coloring matter, and containing not less than twenty per cent. pure butter fats, shall be punished by a fine of not less than fifty nor more than one hundred dollars, or by imprisonment in the county jail not less than ten nor more than thirty days for the first offense, and by a fine of not less than one hundred nor more than two hundred dollars, or by imprisonment in the county jail not less than twenty nor more than sixty days, or both, for each subsequent offense. (*As amended April 7, 1898, 93 O. L., 90.*)

4200-24. (4.) Brands and placards on imitation cheese; penalty. Whoever, by himself or his agents, sells or offers for sale, any article, substance, or compound made in imitation or semblance of cheese, or as a substitute for cheese not made entirely from milk or cream, with salt, rennet, and with or without harmless coloring matter, not marked and distinguished by all the marks, words and stamps required by this act, and not having in addition thereto upon the exposed contents of every opened tub, box, or parcel thereof, a conspicuous placard with the words, "filled cheese," or "skimmed cheese," as the case may be, printed thereon in plain, uncondensed letters, not less than one inch long, shall be punished by a fine of not less than fifty nor more than one hundred dollars, or by imprisonment in the county jail not less than ten or more than thirty days for the first offense, and by a fine of not less than one hundred nor more than two hundred dollars, or by imprisonment in the county jail not less than twenty nor more than sixty days, or both, for each subsequent offense.

4200-25. (5.) Imitation cheese placard at place of business; penalty. Whoever, by himself or his agents, sells "filled cheese," or "skimmed cheese," or any sub-

stance made in imitation or semblance of cheese, or as a substitute for cheese, not made entirely from milk or cream, with salt, rennet, and with or without harmless coloring matter, from any dwelling, store, office, or public mart, shall have conspicuously posted thereon the placard or sign, in letters not less than four inches in length, "filled cheese sold here," or "skimmed cheese sold here," as the case may be. Any person neglecting or failing to post the placard herein provided for shall be punished by a fine of one hundred dollars for the first offense, and by a fine of one hundred dollars for each day's neglect thereafter.

4200-26. (6.) *Imitation cheese placards on sides of vehicle.* Whoever, by himself or his agents, peddles, sells, solicits orders for the future delivery of, or delivers from any cart, wagon, or other vehicle, upon the public streets or ways, "filled cheese," or "skimmed cheese," or any substance made in imitation or semblance of cheese, or as a substitute for cheese, not made entirely from milk or cream, with salt, rennet, and with or without harmless coloring matter, not having on both sides of said cart, wagon, or other vehicle, the placard in uncondensed Gothic letters, not less than three inches in length, "filled cheese," or "skimmed cheese," shall be punished by a fine of not less than fifty nor more than one hundred dollars or by imprisonment in the county jail not less than ten nor more than thirty days for the first offense, and by a fine of not less than one hundred nor more than two hundred dollars or by imprisonment in the county jail not less than twenty nor more than sixty days, or both, for each subsequent offense.

4200-27. (7.) *Use of imitations in hotels, etc.; penalty.* Whoever, by himself or his agents, furnishes, or causes to be furnished, in any hotel, restaurant, or at any lunch counter "filled cheese," or "skimmed cheese," or any substance made in imitation or semblance of cheese, or as a substitute for cheese, not made entirely from milk or cream, with salt, rennet, and with or without harmless coloring matter, to any guest or patron of said hotel, restaurant, or lunch counter, in the place or stead of cheese, shall notify said guest or patron that the substance so furnished is not cheese, and any person so furnishing without said notice, shall be punished by a fine of not less than ten or more than fifty dollars for each offense.

4200-28. (8.) *Cheese brands; records; fees; penalty.* Every manufacturer of full milk cheese may put a brand upon each cheese so manufactured indicating "full milk cheese," with the date and year when made, and no person shall use such a brand upon any cheese made from milk from which any of the cream has been taken. The food and dairy commissioner shall procure and issue to the cheese manufacturers of the state, upon proper application, which application shall be made on or before the first day of April, 1896, and on or before the first day of April of each year thereafter, and under such regulations as to the custody and use thereof, as he may describe, a uniform stencil brand bearing a suitable device or motto, and the words "Ohio state full cream cheese." Every such brand shall be used upon the outside of the cheese, cheese cloth or band around the same, and upon the box or package containing the same, and shall bear a separate number for each separate factory. The said commissioner shall keep a book in which shall be registered the name, location, and number of each manufacturer using the brand, and the name or names of the person or persons in each factory authorized to use the same. No such brand shall be used upon any other but full cream cheese or packages containing the same: provided, that nothing in this section shall be construed to prohibit the manufacture and sale of pure skimmed cheese made from milk that is clean, pure, healthy, wholesome and unadulterated except by skinning. The commissioner shall receive a fee of one dollar for each registration according to the provisions of this section, such fee to be paid by the person applying for such registration. Whoever, by himself or his agents, violates any of the provisions of this section, shall be punished by a fine of not less than fifty nor more than one hundred dollars or by imprisonment in the county jail not less than ten nor more than thirty days for the first offense, and

by a fine of not less than one hundred nor more than two hundred dollars or by imprisonment in the county jail not less than twenty nor more than sixty days, or both, for each subsequent offense.

4200-29. (9.) *Person defined.* The word "person" as used in this act, shall include persons, corporations and companies.—(*Passed March 3, 1896.*) *Ohio Laws, 1896, ch. 92, p. 51; Bate's Annotated Statutes, vol. 2, pp. 2339-2341.*

4200-30. (1.) *Artificial dairy products; labels.* No person shall sell, expose or offer for sale or exchange, any substance purporting, appearing, or represented to be butter or cheese, or having the semblance of either butter or cheese, which substance is not made wholly from pure milk, or cream, salt and harmless coloring matter, unless it is done under its true name, and each vessel, package, roll or parcel of such substance has distinctly and durably painted, stamped, stenciled or marked thereon the true name of such substance in ordinary bold-faced capital letters, not less than five-line pica in size, and also the name of each article or ingredient used or entering into the composition of such substance, in ordinary bold-faced letters, not [less] than pica in size, or sell or dispose of in any manner to another any such substance without delivering with each amount sold or disposed of, a label on which is plainly or legibly printed in ordinary bold-faced capital letters, not less than five-line pica in size, the true name of such substance, and also the name of such articles used and entering into the composition of such substance in ordinary bold-faced letters, not less than pica in size, if the same be not made wholly from pure milk or cream, salt and harmless coloring matter; and the words "butter," "creamery," or "dairy," or any word or combination of words embracing the same, shall not be placed on any vessel, package, roll or parcel containing any imitation dairy product or substance not wholly made from pure milk, or cream, salt, and harmless coloring matter. (*As amended March 21, 1887; 84 O. L., 182.*)

4200-31. (2.) *Manufacture of artificial butter or cheese.* No person or persons shall manufacture out of any oleaginous substance or substances, or any compound of the same other than that produced from unadulterated milk or cream, salt and harmless coloring matter, any article designed to be sold as butter or cheese made from pure milk or cream, salt and harmless coloring matter. Nothing in this section shall prevent the use of pure skimmed milk in the manufacture of cheese.

4200-32. (3.) *Further restrictions on manufacture.* No person or persons shall manufacture, mix, compound with or add to natural or pure milk, cream, butter or cheese, any animal fats, animal, mineral or vegetable oils, nor shall any person or persons manufacture any oleaginous or other substance not produced from pure milk or cream, salt and harmless coloring matter, or have the same in his possession, or offer or expose the same for sale or exchange with intent to sell or in any manner dispose of the same as and for butter and cheese made from unadulterated milk or cream, salt and harmless coloring matter, nor shall any substance or compound so made be sold or disposed of to any one as and for butter and cheese made from pure milk or cream, salt and harmless coloring matter.

4200-33. (4.) *False branding of imitations.* No person or persons shall sell, exchange, expose or offer for sale or exchange, dispose of or have in his possession any substance or article made in imitation or resemblance of, or as a substitute for any dairy product which is falsely branded, stenciled, labeled or marked as to the place where made, the name or cream value thereof, its composition or ingredients, or in any other respect.

4200-34. (5.) *Brands false as to manufactory and quality.* No person or persons shall sell, exchange, expose or offer for sale or exchange, dispose of or have in his possession any dairy products which are falsely branded, stenciled, labeled or

marked as to the place where made, date of manufacture, the name or cream value thereof, composition or ingredients, or in any other respect, and cheese wholly made from skimmed milk shall have branded upon the box or can "made from skimmed milk."

4200-35. (6.) *Card to be displayed by dealers in artificial dairy products.* Every person in this state who shall deal in, keep for sale, expose or offer for sale or exchange, any substance other than butter or cheese made wholly from pure milk or cream, salt and harmless coloring matter, which appears to be, resembles, or is made in imitation of, or as a substitute for butter or cheese, shall keep a card not less in size than ten by fourteen inches, in a conspicuous and visible place where the same may be easily seen and read in the store, room, stand, booth, wagon or place where such substance is, on which card shall be printed, on a white ground, in bold, black, Roman letters, not less in size than twelve-line pica, the words, "oleomargarine" or "imitation cheese," (as the case may be), "sold here," and said card shall not contain any other words than the ones above prescribed; and no person shall sell any oleomargarine, suine, imitation cheese, or other imitation dairy product, at retail or in any quantity less than the original package, tub or firkin, unless he shall first inform the purchaser that the substance is not butter or cheese, but an imitation of the same. (*As amended March 8, 1888; 85 O. L., 74.*)

4200-36. (7.) *Card to be displayed by keepers of hotels.* Every proprietor, keeper, or manager or person in charge of any hotel, boarding house, restaurant, eating house, lunch counter or lunch room, who therein sells, uses or disposes of any substance which appears to be, resembles, or is made in, or as an imitation of, or is made as a substitute for butter or cheese, under whatsoever name, and which substance is not wholly made from pure milk or cream, salt and harmless coloring matter, shall display and keep a card in a conspicuous place, where the same may be easily seen and read in the dining, eating, restaurant and lunch room, and place where such substance is sold, used, or disposed of, which card shall be white and in size not less than ten by fourteen inches, upon which shall be printed in plain, bold, black Roman letters, not less in size than twelve-line pica, the words, "oleomargarine sold and used here," or "imitation cheese sold and used here" (as the case may be), and said card shall not contain any other words than the ones above described, and such proprietor, keeper, manager, or person in charge shall not sell, furnish, or dispose of such substance as and for "butter and cheese," made from pure milk or cream, salt and harmless coloring matter, when butter or cheese is asked for. (*As amended March 8, 1888, 85 O. L., 74.*)

4200-37. (8.) *Fraudulent shipments.* No person or persons shall pack, box, inclose, ship or consign any substance, as butter or cheese made from pure milk or cream, salt and harmless coloring matter, in such a manner as to conceal an inferior article by placing a finer grade of butter or cheese upon the surface of the same.

4200-38. (9.) *Sale to factories of diluted milk; false accounts.* No person or persons shall sell to any person, or deliver, or carry, or cause to be carried to any cheese or butter factory to be manufactured, any milk diluted with water or in any way adulterated, or from which any cream has been taken, or milk commonly known as "skimmed milk," or milk from which [the] part known as "strippings" has been withheld with the intent to defraud, or keeps or renders any false account of the quantity or weight of milk furnished at or to any factory for manufacture or sold to any manufacturer.

4200-39. (10.) *Impure and skimmed milk.* No person or persons shall sell, exchange, or offer for sale or exchange, any unclean, impure, unhealthy, unwholesome milk, or sell, exchange or offer for sale or exchange as "pure milk," milk diluted with water or milk known as skimmed milk.

4200-40. (11.) *Milk falsely labeled, etc.* No person or persons shall sell, exchange, expose, or offer for sale or exchange, have in his possession or dispose of in any

manner, any milk which is falsely branded, labeled, marked or represented as to grade, quantity or place where produced or procured.

4200-41. (12.) *Unhealthy cows, etc.* No person shall keep cows for the production of milk for any purpose, in a cramped or unhealthy condition, or feed them on unhealthy food, or upon food that produces impure, unhealthy or unwholesome milk.

4200-42. (13.) *Condensed milk.* No person shall manufacture, sell, exchange, expose or offer for sale or exchange, any condensed milk, unless the package, can, or vessel containing the same shall be distinctly labeled, stamped, or marked with its true name, brand, by whom and under what name made, and no condensed milk shall be made, exchanged, exposed or offered for sale or exchange, unless the same be made from pure, clean, healthy, fresh, unadulterated and wholesome milk, from which the cream has not been removed, or unless the proportion of milk solids contained in the condensed milk shall be in amount the equivalent of 12 per centum of milk solids in crude milk, and of such solids, 25 per centum shall be fat.

4200-43. (14.) *State institutions.* No butter or cheese not made wholly from pure milk or cream, salt and harmless coloring matter, shall be used in any of the charitable or penal institutions of the state.

4200-44. (15.) *Penalties.* Any person or persons violating any of the provisions or sections of this act shall, upon conviction thereof, be fined not less than fifty or more than two hundred dollars for the first offense, or for each subsequent offense not less than one hundred or more than five hundred dollars, and be imprisoned not less than ten days or more than ninety days, or both.

4200-45. (16.) 83 v. 178, 181. Repealed April 26, 1896, 92 v., 319.—*Passed May 17, 1886. Ohio Laws, 1886, ch. 83, p. 178; Bate's Annotated Statutes, 1902, vol. 2, pp. 2342-2344.*

4289. *Packing and inspection of butter and lard.* All butter and lard shall be packed in tight and well seasoned firkins or kegs, on each of which shall be marked with a marking iron, the tare and net weight of the butter or lard therein contained; and the inspector or his deputy shall bore each firkin or keg of butter or lard, and by examining diagonally from one head to the other, with a hollow instrument or searcher, so as to be able to discover the quality of the whole, ascertain that it is clear of mold or a rancid or musty taste; in which case he shall brand the same, as provided in section forty-two hundred and seventy-eight.—*Bate's Annotated Statutes, 1902, vol. 2, p. 2394.*

4373a. *Records of butter and cheese factories.* Every person engaged in the business of manufacturing butter or cheese, or both, for others, shall keep full and accurate accounts of the business, which books and accounts shall show the exact weight of the milk received from others to be manufactured, and the exact weight of the product thereof, in butter or cheese, or both; and if milk is received from more than one person, and mixed in the manufacturing thereof, the books and accounts shall show the exact weight of the milk received from each, and the product shall be, at the end of the month, awarded ratably among the persons whose milk was used therein.

4373b. *Records of sales by manufacturer.* If the manufacturer is authorized to sell the product, the books and accounts shall also show each sale of the product, the place where, and to whom sold, and the price at which sold, the gross proceeds, the commission or compensation, and the net share of each person whose milk was used in the manufacture; and dividends on sales shall be made and paid as contracted for by and between the parties.

4373c. *Books open to inspection; penalties.* The books and accounts, above required to be kept, shall be open to the examination of any person interested therein, who shall have the right to take a copy of any account in which he is interested, such examining and copying to be done only at reasonable hours and without interfering with the keeping of the accounts; and any manufacturer failing to keep the books and accounts herein named, and in the manner herein specified, or who shall unreasonably prevent or obstruct the examination or copying thereof, as aforesaid, or who shall, for three days after the time specified in section four thousand three hundred and seventy-three (b) of this act, demand therefor, refuse or neglect to deliver to any person the share of the product of such manufacturer, to which he is entitled, or refuse or neglect to pay to any person the share of the proceeds of sale, to which he is entitled, shall [t]hereby forfeit all commission, or compensation, to which he would otherwise be entitled; and shall, also, be liable for the milk received, to be manufactured, or manufactured and sold, at the highest market price, during the month in which it was delivered: provided that sections four thousand three hundred and seventy-three (a), four thousand three hundred and seventy-three (b) and section four thousand three hundred and seventy-three (c) shall apply to companies, firms and corporations engaged in said manufacture, as well as individuals.—*Bate's Annotated Statutes, 1902, vol. 2, p. 2441.*

FLOUR.

4281. *Flour casks; quality brand; inspection.* All flour and meal shall be packed in well-made casks of seasoned timber, twenty-seven inches in length, when finished, with a cut head of seventeen and one-half inches, tightly bound, with ten smart hoops, or six flat hoops two inches broad, secured with four nails in each end hoop, and three nails in each outward bilge hoop; each barrel to contain one hundred and ninety six pounds of flour or meal, and the tare of the cask shall be marked on the head of each barrel of flour or meal, by the miller, with a marking iron; and the weight of the flour or meal shall be branded on the cask, with a branding iron, to be by him provided for that purpose; and when flour or meal is exhibited for inspection, the inspector shall bore and search the same with a proper instrument, so as to ascertain if it be sweet, and of the kind and quality marked by the miller; and if he judge it sweet and of good quality, he shall plug up the hole tight, and cause the same to be branded, as is prescribed in section forty-two hundred and eighty, but if on examination, the flour or meal is found to be sour or of bad quality; or not merchantable it shall be condemned; but if merchantable, though of a quality inferior to, or different from, that represented by the miller's brand, such brand shall be erased, and the proper quality marked thereon by the inspector.

4282. *Miller's brand; penalty.* Each miller or mill owner shall brand, or cause to be branded, on the head of each barrel or side of each sack the weight and quality of the flour or meal contained therein, and the initial letter of his christian name and his surname in full; or if the mill is owned or operated by more than one person, then the name of such persons or company; and if any miller, mill owner or company shall neglect so to brand the same, or shall pack or expose for sale flour or meal in any barrel or sack of a less quantity or poorer quality than branded thereon, he or they shall forfeit and pay for each offense the sum of ten dollars for the use of the county, and shall be further liable to any party injured in double the amount of damages sustained.

4283. *Blank packages of flour.* A miller or mill owner manufacturing flour for parties having private brands, may place the name and brand of such parties upon the barrels or sacks containing the flour so manufactured, or the flour may be shipped by the miller or mill owner in blank packages to such parties who shall place thereon their names and brands before offering the same for sale; and the parties receiving

flour in blank packages shall be liable to the penalties of this chapter whenever the same is offered for sale before the name and brand of the parties so receiving the flour is stamped upon the packages containing it.

4284. *Unmerchantable flour, etc., penalty.* A miller or other person who packs, or causes to be packed any bran, shorts, middlings, or unmerchantable flour, with intent to defraud any person, shall forfeit and pay for every such offense not less than one hundred nor more than five hundred dollars, for the use of the county, to be recovered before any court of competent jurisdiction, and moreover, be liable to the action of the party injured for damages; and the statement of the amount and quality so placed upon such barrels or sacks shall be taken and held to be a warranty of the facts stated.

4290. *Biscuit casks; branding and inspection.* All casks wherein biscuit are packed for exportation shall be of the same size and quality as those specified for flour in this chapter: the tare and net weight marked thereon with a marking iron, a true invoice of which shall be delivered by the owner to the inspector, or his deputy, when called on to inspect the same; and the inspector or his deputy shall thereupon proceed to unhead each cask and inspect the same, and if he judge it to be good and merchantable, he shall brand the same as directed by section forty-two hundred and seventy-eight.—*Bate's Annotated Statutes, 1902, vol. 2, pp. 2392-2394.*

ICE.

2134-1. (1.) *Permits for cutting and selling ice.* That no ice shall be cut for the purpose of being sold or used for domestic purposes in any city or village of this state from any pond, canal, lake, creek or river within the limits of any such city or village, unless a permit therefor shall first be obtained from the board of health of such city or village, and no person or persons shall sell or deliver any ice in any city or village in this state for domestic purposes without first obtaining a permit therefor from the board of health of such city or village, and it shall be lawful for any such board of health to refuse a permit and to revoke any granted by them, as aforesaid, when in their judgment the use of any ice cut or sold, or to be cut or sold, for domestic purposes under the same is or would be detrimental to the public health.

2134-2. (2.) *Board of health to control quality of ice.* That the board of health of any city or village may prohibit the sale or use of any ice for domestic purposes within the limits of such city or village when, in their judgment the same is unfit for use, and the use of the same would be detrimental to the public health, and the said board may prohibit and through its officers stop, detain and prevent the bringing of any such ice for the purpose of sale or use for domestic purposes into the limits of any city or village, and also in the same manner stop, detain and prevent the sale of any such ice for domestic purposes within the limits of such city or village when, in their judgment the same is unfit for use, and the use of the same would be detrimental to the public health, and the said board may prohibit and through its officers stop, detain and prevent the bringing of any such ice for the purpose of sale or use for domestic purposes into the limits of any such city or village, and also in the same manner stop, detain and prevent the sale of any such ice for domestic purposes found within the limits of such city or village.

2134-3. (3.) *Penalty.* Whoever violates any provisions of this act, or any order or regulation of the board of health made in pursuance thereof, shall be fined in any sum not exceeding one hundred dollars.—*Bate's Annotated Statutes, 1902, vol. 1, p. 1042.*

MAPLE PRODUCTS.

SEC. 1. *Pure maple products defined.* Maple sugar, or pure maple sugar, and maple syrup, or pure maple syrup, shall be the unadulterated product produced by the evaporation of pure sap from the maple tree.

SEC. 2. *Standard weights; adulteration defined.* The standard weight of a gallon of maple syrup of 231 cubic inches in the state of Ohio, shall be eleven pounds. Any other substance mixed with maple sugar or maple syrup or any other substance purporting to be maple sugar or maple syrup shall be deemed to be an adulteration within the meaning of the laws of the state of Ohio, providing against the adulteration of food.—(*Passed April 16, 1900.*) *Laws 1900, pp. 316; Bate's Annotated Statutes 1787-1902, vol. 2, p. 2349.*

VINEGAR.

4200-50. (1.) *Standard.* No person shall manufacture for sale, offer, or expose for sale, sell or deliver, or have in his possession with intent to sell or deliver, any vinegar not in compliance with the provisions of this act. No vinegar shall be sold as apple, orchard or cider vinegar which is not the legitimate product of pure apple-juice, known as apple-cider; or vinegar not made exclusively of said apple-cider; or vinegar into which foreign substance, drugs or acids have been introduced, as may appear upon proper test, and upon said test shall contain not less than two per cent., by weight, of cider-vinegar solids upon full evaporation at the temperature of boiling water.

4200-51. (2.) *Fermented and distilled vinegar; coloring; acetic strength.* All vinegar made by fermentation and oxidation without the intervention of distillation shall be branded "fermented vinegar," with the name of the fruit or substance from which the same is made. And all vinegar made wholly or in part from distilled liquor shall be branded "distilled vinegar," and all such distilled vinegar shall be free from coloring matter added during or after distillation and from color other than that imparted to it by distillation. And all fermented vinegar not distilled shall contain not less than two per cent., by weight, upon full evaporation (at the temperature of boiling water) of solids, contained in the fruit or grain from which said vinegar is fermented, and said vinegar shall contain not less than two-and-a-half-tenths of one per cent. ash or mineral matter, the same being the product of the material from which said vinegar is manufactured. And all vinegar shall be made wholly from the fruit or grain from which it purports to be or is represented to be made, and shall contain no foreign substance, and shall contain not less than four per cent., by weight, of absolute acetic acid.

4200-52. (3.) *Injurious ingredients; branding.* No person shall manufacture for sale, offer for sale, or have in his possession with intent to sell, any vinegar found upon proper test to contain any preparation of lead, copper, sulphuric or other mineral acid, or other ingredients injurious to health. And all packages containing vinegar shall be branded on the head of the cask, barrel or keg containing such vinegar, or if sold in other packages that each package be plainly marked with the name and residence of the manufacturer, together with brand required in section two hereof.

4200-53. (4.) *Penalty.* Whoever violates any of the provisions of this act shall, upon conviction, be fined not less than fifty dollars nor more than one hundred dollars, or imprisoned not less than thirty days nor more than one hundred days, or both, and shall be adjudged to pay, in addition, all necessary costs and expenses incurred in inspection and analyzing such vinegar.

4200-54. (4.) *Penalty; a brands on casks of vinegar; manufacturing farmer.* Whoever violates any of the provisions of this act shall, upon conviction, be fined not less than fifty dollars, nor more than one hundred dollars, or imprisoned not less than thirty days, nor more than one hundred days, or both; and shall be adjudged to pay in addition all necessary costs and expenses incurred in inspection and analyzing such vinegar.

^aRepetition of section 4 occurs in statutes.

Every person making or manufacturing cider vinegar, who is not a domestic manufacturer of cider or cider vinegar, shall brand on each head of the cask, barrel or keg containing such vinegar, the name and residence of the manufacturer, the date when same was manufactured, and the words "cider vinegar." And no vinegar shall be branded "fruit vinegar" unless the same be made wholly from apples, grapes, or other fruit.

Provided, that nothing in this bill shall be construed to prevent any farmer from manufacturing for his own private use, or offering for sale, not to exceed twenty-five barrels in any one year, pure cider or other fruit vinegar, branding the same "domestic cider vinegar," with name and date of manufacturer, and when so branded, shall be sufficient guarantee of its purity. (*As amended April 21, 1898, 93 O. L., 185.*)

4200-55. (5.) *Penalty.* Whoever violates any of the provisions of this act shall, upon conviction, be fined not less than fifty dollars nor more than one hundred dollars or imprisoned not less than thirty days, nor more than one hundred days, or both, and shall be adjudged to pay in addition all necessary costs and expenses incurred in inspecting and analyzing such vinegar. And all vinegar not in accordance with this act shall be subject to forfeiture and spoliation.—*Passed March 30, 1896. 92 O. L., 100; Bate's Annotated Statutes 1902, vol. 2, p. 2346.*

WATER.

6927. Whoever maliciously puts any dead animal, carcass, or part thereof, or any other putrid, nauseous, noisome, or offensive substance, into, or in any manner befouls, any well, spring, brook, or branch of running water, or any reservoir of water-works, of which use is or may be made for domestic purposes, shall be fined not more than fifty nor less than five dollars, or imprisoned not more than sixty days, or both.—*Bate's Annotated Statutes 1902, vol. 2, p. 3345.*

OKLAHOMA.

The Territory of Oklahoma has no officer charged with the enforcement of its food laws with the exception of the powers of the board of health, mentioned below.

GENERAL FOOD LAWS.

342. *Condemnation of diseased or impure food.* Said Territorial board of health shall have power and it shall be their duty : * * *

Seventh. To condemn and cause to be destroyed any impure or diseased article of food that may be offered for sale.—*Statutes 1893, ch. 8, p. 120.*

(2264) SEC. 16. *Adulterated or diluted food, drink, or drugs.* Every person who adulterates or dilutes any article of food, drink, drug, medicine, strong, spirituous or malt liquor or wine, or any article useful in compounding either of them, whether one useful for mankind or for animals, with a fraudulent intent to offer the same or cause or permit it to be offered for sale as unadulterated or undiluted, and every person who fraudulently sells or keeps or offers for sale the same as unadulterated or undiluted, knowing it to have been adulterated or diluted is guilty of a misdemeanor.

(2265) SEC. 17. *Spoiled or unwholesome food.* Every person who knowingly sells, or keeps or offers for sale, or otherwise disposes of any article of food, drink, drug or medicine, knowing that the same has become tainted, decayed, spoiled or otherwise unwholesome or unfit to be eaten or drank, with intent to permit the same to be eaten or drank by any person or animal, is guilty of a misdemeanor.—*Statutes 1893, ch. 25, p. 483.*

2436. (1) *Sale of diseased or unwholesome provisions.* Any person who shall sell any kind of diseased, corrupted or unwholesome provisions, whether meat or drink, without first making the fact fully known to the buyers, shall be punished by imprisonment in the county jail not more than six months, or by fine not exceeding one hundred dollars.

2437. (2) *Fraudulent adulteration of liquors, candy, etc.* Any person who shall fraudulently adulterate, for the purpose of sale or shall offer for sale any substance intended for food, or any wine, spirits, malt or other spirituous liquors, or any other fluid, intended for drinking, or any candy or sweetmeat with any substance, coloring matter, or anything poisonous, deleterious or injurious to health, or any article of food or drink that is not just what in its purity represented to be, or who shall manufacture, sell or offer for sale, any such adulterated food, liquor, candy or sweetmeat, shall be punished by imprisonment in the county jail not more than one year or by fine not exceeding two hundred dollars, and articles so adulterated shall be forfeited and destroyed.—*Statutes 1893, ch. 25, p. 508.*

ALCOHOLIC BEVERAGES.

3155. SEC. 15. Every person so licensed, or any other person, who shall intentionally or otherwise sell or give away, or direct or permit any person or persons in his employ to sell or give away, any malt, spirituous or vinous liquors which shall be adulterated with strychnine, strontia, sugar of lead, or any other substance, shall forfeit and pay the sum of one hundred dollars for every such offense. An analysis made by a practical chemist shall be deemed competent testimony under the provisions of this section.—*Statutes 1893, p. 656.*

DAIRY PRODUCTS.

2443. SEC. 8. Any person who shall bring or send to any other person or company or corporation, to be used for the manufacture of butter or cheese, or who shall sell, furnish or supply to any other person, to be used in any manner whatever any milk drawn from a cow not in proper condition of health, or any milk adulterated by any deleterious substances, or that has been adulterated with water, or colored by any substance whatsoever, shall be punished by imprisonment in the county jail not more than thirty days or by fine not exceeding fifty dollars, and shall be civilly liable to the party wronged in a sum of not less than fifty dollars.—*Statutes 1893, ch. 25, p. 510.*

DRUGS.

2438. (3) Any person who shall fraudulently adulterate, for the purpose of sale, any drug or medicine, or offer for sale or sell, any drug or medicine containing any foreign substance^a to itself or in such a manner as to render the same injurious to health, shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding three hundred dollars.—*Statutes 1893, ch. 25, p. 508.*

^aSo in Statutes.

OREGON.

The Oregon dairy and food commissioner is charged with the enforcement of all food laws of the State. He is elected by popular vote, the same as other State officers, and has authority to appoint deputies and other employees.

GENERAL FOOD LAWS. ^a

1978. *Penalty for sale of unwholesome provisions.* If any person shall knowingly sell any kind of diseased, corrupted, or unwholesome provisions, whether for meat or drink, without making the same fully known to the buyer, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than fifty nor more than five hundred dollars.

1979. *Sale of adulterated foods.* If any person shall adulterate for the purpose of sale any substance intended for meat or drink with any substance injurious to health, or shall sell or offer for sale any substance so intended, knowing the same to be so adulterated, such person, upon conviction thereof, shall be punished in the manner provided in section 1978.—*Hill's Annotated Laws, 1892, vol. 1, ch. 10, p. 981.*

CONFECTIONERY.

SEC. 1. *Addition of injurious ingredients.* That no person shall, by himself, his servant or agent, or as servant or agent of any other person, persons or corporation, manufacture for sale, or knowingly sell or offer to sell any candy or other confectionery adulterated by the admixture of terra alba, barytes, talc, or any other mineral substance, or by poisonous colors or flavors or other ingredients injurious or detrimental to the health of consumers.

SEC. 2. *Penalty; destruction of candy; jurisdiction.* Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding \$100, or sentenced to the county jail for a period not exceeding six months; and, in addition to said fine or punishment, the candy so adulterated shall be forfeited and destroyed by order of the court having jurisdiction of the offense. Justices' courts shall have jurisdiction of all cases arising under this act.

SEC. 3. *Enforcement.* It shall be the duty of the Oregon state food and dairy commissioner to enforce the provisions of this act.

SEC. 4. *Analyses.* It shall be the duty of the chemist of the state agricultural college to correctly analyze any and all substances the said commissioner may send him for the purpose of carrying out the provisions of this act.—*Approved February 16, 1899. Laws of 1899, p. 45.*

DAIRY PRODUCTS, FOODS, AND FERTILIZERS.

SEC. 1. *Dairy and Food Commissioner; qualifications and duties; salary, etc.* That at the general election held in June, 1904, and every four years thereafter, there shall be elected by the electors of the State of Oregon a commissioner who shall be

^a See also Dairy Products.

known as the "Oregon Dairy and Food Commissioner," and who shall hold his office for a term of four years, and until his successor is elected and qualified, who shall qualify within thirty days from the time of his election, by taking and filing an oath to faithfully perform the duties of said office with the Secretary of State, who shall receive for his salary the sum of eighteen hundred dollars (\$1,800) per year and his actual traveling expenses incurred in the discharge of the duties of his office, not to exceed twelve hundred dollars (\$1,200) per year; provided, that the present Dairy and Food Commissioner, elected at the general election held in June 1900, shall continue to hold said office until his successor shall be elected and qualified, as provided in this act, and shall have all the power and perform all the duties of the Dairy and Food Commissioner herein provided, and the expense fund of twelve hundred dollars (\$1,200) per year herein provided for shall be available from and after March 1, 1901. Said commissioner may at any time after March 1, 1901, appoint one deputy, who shall take and file with the Secretary of State an oath to faithfully perform the duties of his office, who shall receive a salary of nine hundred dollars (\$900) per year, who shall hold office during the pleasure of said commissioner, and whose duties shall be prescribed by said commissioner. The said commissioner may also appoint other deputies, who shall take and file a like oath, and shall hold their office during the pleasure of the commissioner, and shall perform the duties prescribed by the commissioner, and who shall be compensated by the commissioner. It shall be the duty of said commissioner to visit and inspect, in person or by deputy, every creamery and cheese factory operated within the State of Oregon as often as possible, and not less than once in each year; and he shall also visit and inspect as often as possible the dairy herds of the State, and the methods of feeding, caring for and stabling the same. The person elected as Dairy and Food Commissioner shall be well qualified in dairy matters and qualified to give theoretical instruction in dairying; and it shall be the duty of said commissioner to give practical and theoretical instructions in dairy matters whenever and wherever opportunity offers within the state, and to collect and disseminate such information as is calculated to develop the dairy industry within the state. The said commissioner shall establish his office in the city of Portland in this state, and shall, upon complaint being made by any citizen of the State of Oregon, or without such complaint if in his opinion necessary, examine into any case of violation or supposed violation of the provisions of this act, or any of them. He shall keep a full and correct account of all business done by him or his deputy or experts, chemists or agents, and report the same to the legislature.

SEC. 2. *Branding of adulterated products; notices of same in hotels, etc.* No person or persons shall sell or expose for sale or exchange, or have in his or their possession for sale or exchange, any adulterated food, drink, medicine or fertilizer, unless the same shall be plainly marked so as to establish its true character and distinguish it from a pure article of food, drink, medicine or fertilizer. In any public dining or eating room where adulterated food or drinks are used, the bill of fare shall state the fact in the same sized type as is used in printing the body of said bill of fare, or, if no bill of fare is used, then and in that case printed notices thereof shall be posted in a conspicuous place in said dining or eating room, so as to be easily seen by any one entering such room, in which notice shall be stated in large letters the fact that adulterated foods and drinks are being used for food or for food and drink. It shall be unlawful for any person to offer or expose for sale reworked butter or mixed butter, unless the same is plainly marked "process butter", and it shall be unlawful for any person to offer or expose for sale any tub or packed butter remolded into prints or rolls or squares, unless the same is plainly marked "tub butter", and it shall be unlawful for any person who offers or exposes for sale reworked, mixed or remolded butter to mark or brand said butter with the stamp of any creamery or with the words "creamery butter", and it shall be unlawful to sell or offer or expose for sale any diseased, unclean, impure or unwholesome food, drink or medicine of any description.

SEC. 3. *Adulteration defined.* An article of food or drink or medicine shall be deemed to be adulterated within the meaning of this act when:

1. Any substance or substances have been mixed with it so as to reduce or lower or injuriously affect its quality or strength.
2. If any inferior or cheaper substance or substances have been substituted wholly or in part for it.
3. If any valuable constituent has been wholly or in part abstracted from it.
4. If it is an imitation of or is sold under the name of another article.
5. If it is colored, coated, powdered or polished whereby damage is concealed, or if it is made to appear better, or of greater value as compared with the total solids, than it really is; provided however, that salt and anneto,^a or butter color in which anneto^a is the principal ingredient, shall not be considered an adulteration when used in dairy products.
6. Butter that contains more than fourteen per cent. water.
7. Milk that contains more than eighty-eight per cent. water.
8. Milk that contains less than three per cent. butter fat.
9. Milk that contains less than nine per cent. solids, other than butter fat, and less than 1.038 specific gravity after cream has been removed.
10. Jellies, jams and fruit sauces put up for sale that contain any other ingredient than pure fruit substance and juice.
11. Apple cider vinegar that contains an acidity of less than four per cent. of absolute acetic acid and one and one-half per cent. cider vinegar solids, or that is made of anything else than absolute apple cider.
12. Pickles and fruit sauces shall contain no other sweetening matter than pure sugar.

SEC. 4. *Sale of imitation butter.* No person, by himself or his agent or employee, shall render, manufacture, sell or offer for sale, expose for sale, take orders for future delivery, or have in his possession with intent to sell, as butter any article, product or compound made wholly or partly out of any fat, oil, oleaginous substance or compound thereof not directly or wholly produced from pure unadulterated milk or cream of the same, which has been or is colored to imitate yellow butter produced from pure unadulterated milk or cream of the same; provided, that nothing in this act shall be so construed as to prohibit the manufacture and sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloring matter and ingredients causing it to look like butter.

SEC. 5. *Branding and labeling of creamery butter.* Any person or persons, firm, association or corporation who shall within the State of Oregon manufacture butter under the separator process for sale in said state, shall apply to the Oregon Dairy and Food Commissioner for a stencil or plate, with the number of the creamery and the name of the manufacturer and where manufactured, and the words, "Oregon Creamery Butter; full weight," and on each box of butter so manufactured for sale in the State of Oregon there shall be an impression from said stencil, or said plate shall be attached thereto; and each roll or square of butter so manufactured for sale in the State of Oregon shall bear a wrapper upon which shall be the words, "Oregon Creamery Butter; full weight," and the number of ounces in such roll or square.

SEC. 6. *Cheeses must be branded as to quality; definitions.* Every person or persons, firm, association or corporation who shall, at any creamery, cheese factory or private dairy, manufacture cheese in the State of Oregon, shall, at the place of manufacture, brand distinctly and durably on the bandage of every cheese and box containing the same the true grade of said cheese, as follows, to wit: "Oregon Full-Cream Cheese"; or "Oregon Half-Skimmed Cheese"; "Oregon Quarter-Skimmed Cheese";

^aSo in laws.

or "Oregon Skimmed Cheese," as the case may be. Full-cream cheese shall contain not less than thirty per cent. butter fat; cheese that contains fifteen per cent. butter fat, and under 30 per cent., shall be known as "Half-Skimmed cheese;" cheese that contains seven and a half per cent. butter fat, and under fifteen per cent., shall be known as "Quarter-Skimmed" cheese; cheese that contains less than seven and a half per cent. butter fat shall be known as "Skimmed cheese"; provided, nothing in this section shall be construed to apply to "Edam," "Brickstein," "Pine-apple," "Limberger," "Swiss," or hand-made cheese, not made by the ordinary Cheddar process.

SEC. 7. *Weight of butter rolls.* Each square or roll of butter kept, exposed or offered for sale in the State of Oregon, which is represented to contain one pound in weight, shall contain full sixteen ounces; and each square or roll of butter kept or offered for sale in the State of Oregon, which shall be represented to contain two pounds in weight, shall contain full thirty-two ounces.

SEC. 8. *Cheese brands must also show factory, manufacturer, and county.* Every person, persons, firm or corporation, or voluntary association, who shall manufacture cheese in the State of Oregon, shall apply to the Oregon Dairy and Food Commissioner for a stencil giving number of factory, quality or grade of cheese, as provided in section 6 of this act, the name of the manufacturer and the county in which the said cheese is manufactured; and each box of cheese sold, or offered for sale, shall bear an impression from said stencil.

SEC. 9. *Charge for stencils.* When any person, persons, firm, corporation or voluntary association shall apply to the Oregon Dairy and Food Commissioner for a stencil or plate as is in this act provided, the said commissioner shall furnish the same, and shall make a charge of \$1.00 for each stencil or plate so furnished.

SEC. 10. *Seizure of suspected products; procedure.* It shall be the duty of the Oregon Dairy and Food Commissioner to seize and hold any article of food, drink or fertilizer sold, or kept or offered for sale, in violation of any of the provisions of this act until the true character thereof may be determined in a judicial proceeding, if any person shall have been arrested for having in possession, for sale or selling, or offering for sale, such article; and if no person shall have been arrested, then by chemical analysis or other proper means to be determined by said commissioner or his deputy. And if any seized article be found to be unwholesome or unfit for food, said commissioner shall cause the same to be destroyed. If any seized article be found merely adulterated or prepared or labeled in violation of this act, not being unwholesome or unfit for food, said commissioner shall brand or mark each package thereof with its true character, and return the same to the person from whose possession it was taken. In case any seized article be determined to be of a character not contrary to any of the provisions of this act, the same shall be returned to the possession of the person from whom the same was taken. It shall be unlawful for any person to remove, or deface, or conceal any brand or label placed upon any article by the Dairy and Food Commissioner under the provisions of this section, or to sell or offer for sale, or have in possession for sale, any article so marked or labeled, without exhibiting such mark or label to the view of the public.

SEC. 11. *Record of dairymen; licenses for milk wagons, etc.* The Oregon Dairy and Food Commissioner shall keep a correct list of the name and location of every person, persons, firm, corporation or voluntary association engaged in the sale of milk or cream in cities of ten thousand or more inhabitants within the State of Oregon, and shall number the same; and every person, persons, firm, corporation or association in any such city engaged in the sale of milk or cream shall notify the said commissioner of any sale or transfer of management or change of location of his or their dairy or creamery; and any person, persons, firm, corporation or association of persons engaged in the sale of milk or cream in cities of ten thousand inhabitants shall, upon engaging in said business, and on the first day of March of each year, apply to

the said commissioner for a metal plate giving the number and location of the dairy or creamery of such person, persons, firm, corporation or association, which plate shall be placed in a conspicuous place on each delivery wagon owned and operated in the sale of milk or cream.

SEC. 12. *Sanitary condition of cow stalls, etc.* When cows are kept by any person for dairy purposes, either for butter or cheese or for the production of milk or cream for sale, and are confined in stables, such cows so confined shall each be allowed at least eight hundred cubic feet air space, and such cows so stabled shall not be confined facing each other closer than ten feet; and all stables where such cows are kept shall be well ventilated and kept in a good, healthful condition; and if there be any suspected diseased cows or other animal belonging to or about any dairy the said Dairy and Food Commissioner shall notify the State Veterinarian; and if any dairy above stated is found to be in a filthy or unhealthful condition the Dairy and Food Commissioner shall notify the proprietor that the said dairy must be put in a healthful condition within three days; and in the event of the failure of said proprietor to put said dairy in a healthful condition within three days from the receipt of said notice, he or they shall be deemed guilty of a misdemeanor, and shall be punished as hereinafter provided for violation of this act.

SEC. 13. *Antiseptics.* The use of borax, boracic acids,^a or salicylic acids, or injurious antiseptics in the manufacture of butter for sale, and in milk or cream offered for sale, is prohibited.

SEC. 14. *Vinegar.* The sale and offering for sale of acid, malt or distilled vinegar colored to resemble apple cider vinegar are hereby prohibited.

SEC. 15. *Spices and extracts.* All spices and fluid extracts sold or offered for sale in this state if not pure shall be labeled "adulterated" with the percentage of adulteration.

SEC. 16. *Fruit preserves.* All jellies, jams and fruit sauces put up for sale that contain any other ingredient than pure fruit substance and juice shall bear but one label, which label shall truly state the percentage of the various substances contained therein from which said jellies, jams and fruit sauces are made, in type of equal size with any on said label.

SEC. 17. *Record of sales of manufactured butter.* Every person who sells oleomargarine, butterine, or any imitation butter whatsoever, or other imitation dairy products, in this state shall keep a sale book in which all sales shall be entered at the time of sale. Said sale book shall state the amount sold, together with the name and address of the purchaser; and said sale book shall be open to the inspection of the State Dairy and Food Commissioner or his deputy at all times.

SEC. 18. *Duty of railroads.* Every railroad company or other transportation company in this state, upon application of the State Dairy and Food Commissioner, or his authorized agent, shall give the name and address of any shipper or consignee of any supposed diseased or unwholesome meats or foods of any kind.

SEC. 19. *Reports of butter and cheese manufacturers.* Every person or company who manufactures for sale, in quantities exceeding twenty-five pounds per week, butter or cheese in this state shall report to the Dairy and Food Commissioner annually at the end of each year as follows: (1) Name and address of manufacturer; (2) name and address of owner of cows; (3) number of pounds of milk purchased; (4) total number of pounds of milk used in the manufacture of butter and the number of pounds used in making cheese; (5) number of pounds of butter and cheese made; (6) number of pounds of butter and cheese sold; provided, that the amount of butter or cheese made by any such person shall not be published, if the maker requests that it shall not be done.

SEC. 20. *Labeling of fertilizers; "commercial fertilizer" defined.* Every box, barrel, keg or other package of any substance, or any quantity of any substance, in any

^aSo in statutes.

shape or form whatever, sold or offered for sale as a commercial fertilizer shall have attached to it a label containing a certified analysis made by a competent chemist from a fair and true example of the substance to which such label is attached. The term "commercial fertilizer" as used in this act shall be taken to mean any and every substance imported, manufactured, prepared or sold for fertilizer or manurial purposes, except barnyard manure, lime, marl, wood ashes and plaster.

SEC. 21. *Chemist of State Agricultural College to make analyses.* It shall be the duty of the chemist of the State Agricultural College to correctly analyze any and all substances the said commissioner may send him for the purposes of carrying out the provisions of this act, and the certificate of analysis of said chemist, duly signed by him, shall be prima facie evidence in all courts of justice; provided however, that the testing of milk and cream shall be done by the Dairy and Food Commissioner, and the certificate of said commissioner as to any such test, duly signed by him, shall, also be prima facie evidence in all courts of justice of the facts therein stated.

SEC. 22. *Inspection and sampling.* The said commissioner, and such experts and chemists or agents as he shall duly authorize for the purpose, shall have access to, egress and ingress to all places of business, factories, stores, farm buildings, carriages, cars, vessels and implements used in the manufacture, production or sale of any food, drinks, medicines or fertilizers; and they shall also have the power and authority to open any package, case or vessel containing such articles which may be manufactured, sold or exposed for sale, and any manufacturer, dealer, hotel or restaurant keeper shall deliver to the commissioner or his deputy any sample of food, drinks, medicines or fertilizers for analyzing or testing, upon a tender of the price thereof in money.

SEC. 23. *Placards for cheese sold at retail.* Cheese offered for sale at retail shall bear a label or placard containing letters not less than one-half inch in height "setting forth whether such cheese is "full cream", "half cream", "quarter cream", or "skimmed", according to the percentage of butter fat therein contained, as provided in section 6 of this act. But this section shall not apply to "Edam," "Brickstein", "Pineapple," "Limburger", "Swiss" or hand made cheese, not made by the ordinary cheddar process.

SEC. 24. *Misbranding or false labeling.* It shall be unlawful for any person to use without the consent of the owner of the box, brand, or label of any creamery or dairyman for the purpose of selling the butter of any other creamery or dairyman; and it shall be unlawful to place on any article of food, drink, or medicine, or on the box, bottle, or package containing the same, any label, brand, or mark containing any false statement as to the name of the manufacturer, place or date of manufacture, or of character, quality, or grade of any such article of food, drink, or medicine; and it shall be unlawful for any person to knowingly have in his possession for sale, or sell or offer for sale any article of food, drink, or medicine bearing any label, brand or mark false in any of the above particulars.

SEC. 25. *Disposal of manure.* No manure shall be dumped or allowed to accumulate within one hundred and fifty feet of any barn in which dairy cows are stabled.

SEC. 26. *Penalty; jurisdiction.* Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$25 nor more than \$100, or be imprisoned in the county jail not less than thirty days nor more than six months.

Justices courts shall have concurrent jurisdiction of all cases arising under this act.

SEC. 27. *Disposition of fines.* In all prosecutions under this act the fine or fines collected by and under the same shall be transmitted by the officer collecting the same to the State Treasurer at the State Capitol, and shall be kept by said State Treasurer in a separate fund, to be known as the "Pure Food Fund"; and the said

State Treasurer shall forward to the person remitting any such fine a proper receipt. Said "Pure Food Fund" shall be subject to orders drawn against the same by the Oregon Dairy and Food Commissioner for the purpose of enforcing the provisions of this act. Said commissioner shall not draw against said fund except for the purpose of carrying out the provisions of this act, nor shall he draw any order against said fund in excess of the money actually in the hands of the State Treasurer to the credit of said fund. In his regular reports to the legislature the said commissioner shall render a full statement of the receipts and disbursements of the "Pure Food Fund", and the purposes for which said fund has been disbursed.

SEC. 28. *Slaughtering of calves and milking before and after parturition.* In all prosecution under the provisions of this act relating to the sale of diseased foods, or that which is unclean, impure or unwholesome, milk drawn from cows for fifteen days next before and five days next after parturition, or from cows fed on unwholesome food, or any calf that has been slaughtered under the age of four weeks, shall be deemed and declared unclean, impure, and unwholesome.

SEC. 29. *Repeal of previous legislation.* That an act entitled "An Act to provide for the election of an Oregon Dairy and Food Commissioner, and to prescribe his duties and qualifications, and to prevent the production and sale of unwholesome food, drink, medicine and fertilizers; and to repeal an act entitled 'An Act to prevent the production and sales of unwholesome foods and medicine, and to regulate the sales of adulterated foods, drinks, medicines and fertilizers,' approved February 16, 1899;" and all acts and parts of acts in conflict with the provisions of this act, be and the same are hereby repealed.

SEC. 30. *Date for taking effect.* Inasmuch as the laws now in force with reference to the adulteration of the articles named in this act are inadequate to the protection of the public health, and an emergency exists for the taking effect of this act, the same shall be in force and take effect upon its approval by the Governor.—*Approved February 27, 1901. General Laws, 1901, p. 256.*

PENNSYLVANIA.

The State dairy and food commissioner, who is an officer of the department of agriculture of Pennsylvania, is charged with the enforcement of all dairy and food laws of the State with the exception of certain older laws which, while they remain in the statute books, are practically superseded by more recent legislation. The commissioner is appointed by the governor for a term of four years, and all of his actions are subject to approval by the secretary of agriculture.

The following letter was received from Mr. John Hamilton, the present State secretary of agriculture, under date of October 28, 1902:

Yours of the 25th instant, inclosing proof sheets of bulletin which you propose to print, was duly received. I have gone over the proof and have made some corrections, which are noted on the margin. The laws for the control of food adulteration in force in this State are perhaps as satisfactory as can be expected, until some competent authority more accurately and definitely defines what shall constitute an adulteration. The requirements of the laws are, for the most part, general in their character, and impose the fixing of standards and the determination of the effect upon the health of the consumer upon the officer charged with the enforcement of the law, with appeal to the courts if his decision is not accepted. There is pressing need for information based upon accurate scientific experiments, which will show conclusively the action of food preservatives and coloring matters upon the health of the consumer. The officers in charge of the enforcement of the food laws in the several States are not situated so as to take up an exhaustive investigation into these questions, and the work, therefore, must of necessity devolve upon the National Government, if it is to be accomplished.

There are also difficulties in the enforcement of the food laws of the State, due to the fact that many of the food products found to be adulterated have been manufactured in other States, thus protecting the manufacturer against the laws of the State in which the goods are sold, the operation of these laws of necessity being confined to the limits of the States enacting them. A national food law would greatly assist the food authorities in the several States by reaching the manufacturers in all parts of the country, irrespective of State lines, and in providing a uniform system of requirement in the way of composition that could be accepted in all of the States.

GENERAL FOOD LAWS.

5. *Unwholesome or adulterated provisions; penalty.* If any person shall sell or expose for sale, the flesh of any diseased animal, or any other unwholesome flesh, knowing the same to be diseased or unwholesome, or sell or expose for sale unwholesome bread, drink or liquor, knowing the same to be unwholesome; or shall adulterate for the purpose of sale, or sell any flour, meal or other article of food, any wine, beer, spirits of any kind, or other liquor intended for drinking, knowing the same to be adulterated; or shall adulterate for sale, or shall sell, knowing them to be so adulterated, any drugs or medicines; such person so offending shall be guilty of a misdemeanor, and upon conviction be sentenced to pay a fine, not exceeding one

hundred dollars, or undergo an imprisonment, not exceeding six months, or both, or either, at the discretion of the court.—*P. L., 1860, p. 401; Brightly's Purdon's Digest, 1894, vol. 1, p. 473.*

1. *Oath of clerks of markets.* The clerks of the several markets within this province, now in office, and all such clerks as shall hereafter be appointed, before they enter upon the execution of their office, shall take the following oath or affirmation, before some magistrate or justice of the city, borough or county wherein they shall reside, viz: "That he will well and truly, to the best of his skill and judgment, do and perform all things joined and required of him as clerk of the market, by the laws of this province.

2. *Buying and selling of provisions.* It shall and may be lawful for any person or persons to sell or expose to sale provisions, vegetables or fruit, in the markets of any city, borough or corporate town within this commonwealth: Provided always, That such provisions, vegetables or fruit shall not have been previously purchased within the limits of such city, borough or corporate town.

3. *Unwholesome or tainted meat; penalty.* It shall not be lawful for any butcher or other person to expose for sale any tainted or unwholesome meat or fish, or any veal less than three weeks old when killed, in any of the market-houses or other places for vending meat, in any of the cities or boroughs in the several counties of this commonwealth, under a penalty of ten dollars for each offense, to be recovered as other penalties are recoverable, before any alderman or justice of the peace; one-half of said penalty to go to the informer, and the other half for the benefit of the poor.—*Brightly's Purdon's Digest, 1700-1894, vol. 2, p. 1294.*

13. *Decayed or unwholesome provisions; penalty.* It shall be unlawful for any person, firm, or corporation to keep, expose, or offer for sale for food, or keep the same for the purpose of sale for food, within the limits of said cities (second class), any emaciated, tainted, putrid, decayed, decaying, unwholesome or diseased meat. In case of keeping, exposing, or offering such, the said bureau shall have the power and authority to seize, condemn, and confiscate the same, and also all maimed and diseased animals, or any that may be too young to be used for food. The keeping, offering, exposure, or sale as aforesaid of any emaciated, tainted, putrid, decayed, decaying, unwholesome or diseased meat, or of any maimed or diseased animal or animals too young to be used for food shall be and is hereby declared to be unlawful, and the person so offending shall be subject to a fine of not less than twenty-five nor more than one hundred dollars. The exposure or offering for sale for food, or keeping for purposes of sale for food any decayed or unwholesome vegetable, or other matter or thing, is hereby declared to be unlawful, and any person or persons so offending shall be liable to a fine not exceeding one hundred dollars.—*Approved June 26, 1895. Laws 1895, act 258, p. 350.*

SEC. 1. *Adulteration prohibited.* Be it enacted, etc., That no person shall, within this State, manufacture for sale, offer for sale or sell any article of food which is adulterated within the meaning of this act.

SEC. 2. *Food defined.* The term "food," as used herein, shall include all articles used for food or drink by man, whether simple, mixed or compound.

SEC. 3. *Adulteration defined.* An article shall be deemed to be adulterated within the meaning of this act.

(a) In the case of food: (1) If any substance or substances have been mixed with

it so as to lower or depreciate or injuriously affect its quality, strength or purity. (2) If any inferior or cheaper substance or substances have been substituted wholly or in part for it. (3) If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it. (4) If it is an imitation of or is sold under the name of another article. (5) If it consists wholly or in part of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not—or in case of milk, if it is the product of a diseased animal. (6) If it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is. (7) If it contains any added substance or ingredient which is poisonous or injurious to health: Provided, That the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food, if each and every package sold or offered for sale be distinctly labeled as mixtures or compounds, and are not injurious to health.

SEC. 4. *Samples for analysis.* Every person manufacturing, offering or exposing for sale or delivering to a purchaser any article of food included in the provisions of this act, shall furnish to any person interested or demanding the same, who shall apply to him for the purpose and shall tender him the value of the same, a sample sufficient for the analysis of any such article of food which is in his possession.

SEC. 5. *Penalties.* Whoever refuses to comply, upon demand, with the requirement of section four, and whoever violates any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction, shall be fined not exceeding one hundred nor less than fifty dollars, or imprisoned not exceeding ninety or less than thirty days, or both, and any person found guilty of manufacturing, offering for sale or selling any adulterated article of food under the provisions of this act, shall be adjudged to pay, in addition to the penalties herein provided for, all the necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of which said person may have been found guilty of manufacturing, selling, or offering for sale: Provided, That all penalties and costs for the violation of the provisions of this act shall be paid to the Dairy and Food Commissioner, or his agent, and by him paid into the State Treasury, to be kept as a fund separate and apart for the use of the Department of Agriculture for the enforcement of this act, and to be drawn out upon warrant signed by the Secretary of Agriculture and the Auditor General.

SEC. 6. *Enforcement of act.* The agent of the Department of Agriculture, known as the Dairy and Food Commissioner, shall be charged with the enforcement of all the provisions of this act, and shall have the same power to enforce the provisions of this act that is given him to enforce the provisions of the act by which he receives his appointment.—*Approved June 26, 1895. Laws 1895, p. 317.*

ALCOHOLIC BEVERAGES.

9. *Use of poison or harmful drugs in beverages.* It shall be unlawful for any person or persons to make use of any active poison, or other deleterious drugs, in any quantity or quantities, in the manufacture or preparation, by process of rectifying or otherwise, of any intoxicating malt or alcoholic liquors, or for any person or persons to knowingly sell such poisoned or drugged liquors in any quantity or quantities; and any person or persons so offending shall be deemed guilty of a misdemeanor.

10. *Branding.* It shall be the duty of any person or persons engaged in the manufacture and sale of intoxicating malt or alcoholic liquors, or in rectifying or preparing the same in any way, to brand on each barrel, cask or other vessel containing the same, the name or names of the person or persons manufacturing, rectifying or preparing the same, and also these words, "containing no deleterious drugs or added poison;" and shall also certify the same fact or facts to the purchaser, over his, her or their own proper signature.

11. *Possession of drugged liquors.* If any barrel, cask or other vessel, containing any such drugged or poisoned liquor, shall be found in the possession of any person or persons designated in sections one and two [Secs. 9 and 10], it shall be deemed prima facie evidence of a violation of the provisions of this act.

12. *Analysis of suspected liquors.* Any suspected article or specimen of intoxicating malt or alcoholic liquor, shall be subjected to analysis by some competent person to perform the same, under the direction of the court before which the case is tried; and such analysis, duly certified under oath, shall be deemed legal evidence in any court in this state: *Provided*, That upon any preliminary examination, before any justice of the peace, mayor or other magistrate or competent authority, for the purpose of binding over, such officer may order the inspection aforesaid to be made, and make such order as may be necessary to preserve the evidence of the offence, until the trial of the offender.

13. *Penalty.* Any person offending against any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be sentenced to pay a fine, not exceeding five hundred dollars, and to undergo an imprisonment, not exceeding twelve months, or both, or either, in the discretion of the court.

14. *Use of drugs, etc., in process of manufacture.* Any and all persons engaged in the business of brewing or manufacture of ale, beer or other malt liquors, or in the fermentation, distillation or manufacture of any vinous or spirituous liquors, be and they are hereby prohibited making use, in or about such business, or in any such process of brewing, fermentation, distillation or manufacture, of any poisonous or deleterious drugs or chemicals, or any impure or injurious materials, or such as are prejudicial to the public health, or to the health of any person drinking or making use of any such malt, vinous or spirituous liquors.

15. *Penalty.* The use of any such poisonous or deleterious drugs or chemicals, or impure or injurious materials, or of those prejudicial to health, as are prohibited by the first section of this act, (14) is hereby declared to be a misdemeanor, and any person convicted of so using the same, shall be punished by a fine of one thousand dollars, and by an imprisonment of not more than one year.—*Brightly's Purdon's Digest*, vol. 1, p. 473.

46. *Proof of adulteration.* In all actions for the sale of any spirituous, vinous or malt liquors, or any admixtures thereof, it shall be competent for the defendant, in every such case, to prove that said liquors or admixtures thereof were impure, vitiated or adulterated; and proof thereof being made, shall amount to a good and legal defence to the whole of the plaintiff's demand.—*Brightly's Purdon's Digest*, vol. 2, p. 1233.

APPLE PRODUCTS.

SEC. 1. *Enforcement of law.* Be it enacted, &c., That the State Dairy and Food Commissioner shall be charged with the enforcement of all laws against fraud and adulteration or impurities in vinegar, jellies, cider, evaporated apples, and all apple products, and the unlawful labeling of the same in the State of Pennsylvania.

SEC. 2. *Inspection and prosecution.* It shall be the duty of said Dairy and Food Commissioner to inspect any article of vinegar, jellies, cider, evaporated apples or other apple products, made or offered for sale in the State of Pennsylvania as an article of food or drink, and to prosecute or cause to be prosecuted any person or persons, firm or firms, corporation or corporations, engaged in the manufacture or sale of any adulterated article of food or drink, or adulterated in violation of or contrary to any laws of the State of Pennsylvania now in force, or hereafter to be passed.

SEC. 3. *Inspection and sampling privileges.* That the said Food Commissioner and such assistants, agents, experts, chemists, detectives and counsel as he shall duly authorize for the purpose, shall have full access, egress, ingress to all places of business, factories, mills, buildings, carriages, cars, vessels and barrels, tanks and packages, of whatever kind, used in the manufacture and transportation and sale of any apple products, or of any adulteration or imitation thereof. They shall also have power and authority to open any package, barrel or vessel containing apple products, or any adulteration or imitation thereof, which may be manufactured, sold or exposed for sale in violation of any of the provisions of any act now enacted or which may be hereafter enacted, in relation to apple products, or the adulteration or imitation or unlawful labeling thereof; and they shall also have power to take from such packages, barrel or vessel, samples for an analysis, after tendering compensation for said samples thus taken.

SEC. 4. *Disposal of fines, etc.* That all penalties and costs shall be received by the State Board of Agriculture for the violation of this act, and of other acts now enacted, or hereafter to be enacted, prohibiting or regulating the adulteration or imitation of any apple product, and shall be appropriated by the said Board to the payment only of the necessary expenses incurred by the said Dairy and Food Commissioner and his assistants and agents in the investigation, discovery and prosecution of violations of this act.

SEC. 5. *Expenses.* That all charges, accounts and expenses of the said Commissioner and all of the assistants, agents, experts, chemists, detectives and counsel employed by him in carrying out the provisions of this act shall be paid by the Treasurer of the State in the same manner as the other accounts and expenses of the said Board of Agriculture are now paid, as provided by law.

SEC. 6. *Report of food commissioner.* That the said Commissioner shall make an annual report of his work and proceedings, and shall report in detail, the number and names of his assistants, agents, experts, chemists, detectives and counsel employed by him in carrying out the provisions of this act, together with their expenses and disbursements, and be a part of his general report, not a separate one, to the said State Board of Agriculture, at its annual meeting.—*Approved July 5, 1895, Laws 1895, p. 605.*

CONFECTIONERY.

6. *Penalty for addition of injurious ingredients.* If any person shall manufacture for sale, or sell or offer to sell any candy or confectionery adulterated by the mixture of terra alba, barytes, talc, or other mineral substance, or by poisonous colors, or flavors, or other ingredients, deleterious or detrimental to health, knowing the same to be so adulterated, such person so offending shall be guilty of a misdemeanor, and, upon conviction, be sentenced to pay a fine not exceeding one hundred dollars nor less than fifty dollars, and the candy and confectionery so adulterated shall be forfeited and destroyed by the order of the court.

7. *Possession of adulterated products.* If any candy or confectionery adulterated in violation of the first section of this act (6), shall be found in the possession of any manufacturer, merchant or dealer, it shall be deemed prima facie evidence that the same is offered for sale and that the person having it in possession knew that the same was so adulterated.

8. No action shall be maintained or recovery had in any case for the value of any candy or confectionery which may have been adulterated, as specified in the first section of this act, (6) and it shall be competent for the defendant in every such case to prove that the candy or confectionery was so adulterated, and proof thereof being so made, shall amount to a good and legal defence to the whole of the plaintiff's claim therefor.—*P. L. 1887, p. 157; Brightly's Purdon's Digest, vol. 1, 1894, p. 473.*

DAIRY PRODUCTS.

1. *Milk inspection.* The councils of cities and boroughs in this commonwealth be and they are hereby authorized and empowered to provide for the inspection of milk, under such rules and regulations as will protect the people from adulteration and dilution of the same.

2. *Penalty for sale of impure milk.* Any person or persons, who shall knowingly sell or exchange, or expose for sale or exchange, any impure, adulterated or unwholesome milk, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than twenty dollars for each offense; and if the fine be not paid, shall be imprisoned for not less than fifteen days, or until said fine shall be paid.

3. *Adulteration of milk; penalty.* Any person who shall adulterate milk, with the view of offering the same for sale or exchange, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than ten dollars for each and every offence; and if the fine be not paid, shall be imprisoned for not less than eight days, or until said fine is paid.

4. *Marking of milk wagons.* Any person or persons who shall in any cities, boroughs and villages, having a population of one thousand inhabitants and upwards, engage in or carry on the sale, exchange or traffic in milk, shall have the carriage or vehicle from which the same is vended conspicuously marked with his, her or their names, also indicating the locality from whence said milk is obtained or where produced; and for every neglect of such marking, the person or persons so neglecting shall be subject to the penalties provided for in section second of this act.

5. *False marking of milk wagons.* For marking wagons or vehicles, so as to convey the idea that said milk is procured from, or produced in, a different locality than it really is, the person or persons so offending shall be subject to a fine of fifty dollars, or imprisonment not less than thirty days, or both, at the discretion of the court.

6. *Adulterated and unwholesome milk defined.* The addition of water or of ice to the milk, is hereby declared an adulteration; any milk obtained from animals fed on distillery-waste or any substance in a state of putrefaction, is hereby declared to be impure and unwholesome.

7. *Sale of milk to butter and cheese factories.* If any person or persons shall, with intent to defraud, sell, supply or bring to be manufactured, to any butter or cheese manufactory in this state, any milk, diluted with water, or in any way adulterated, uncleanly or impure, or milk from which cream has been taken, or milk commonly known as skimmed milk, or if any person or persons so furnishing milk as aforesaid, who shall keep back any part of the milk known as "strippings," or shall knowingly bring or supply milk to any butter or cheese manufactory that is tainted or partially sour, or shall knowingly bring or supply to any butter or cheese manufactory, milk drawn from cows within fifteen days before parturition, or within five days after parturition, shall for each offence forfeit and pay a sum not less than ten dollars nor more than one hundred dollars, with costs of suit, to be sued for in any court of competent jurisdiction for the benefit of the person or persons, firm or association or corporation upon whom such fraud or neglect shall be committed.—*Laws, 1869.*

8. *Sale of adulterated or impure milk in cities.* In cities of the second and third classes, whoever, by himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers, or has in his custody or possession with intent to sell or exchange, or exposes or offers for sale or exchange, adulterated milk, or milk to which water or any foreign substance has been added, or milk produced from cows fed upon any substance in a state of putrefaction, or from sick and diseased cows, shall, for such offence, be punished by fine of not less than twenty, nor more than one hundred dollars.

9. *Diluted or skimmed milk.* Whoever, by himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers, or has in his custody or possession, with intent to sell or exchange, or exposes or offers for sale as pure milk, any milk from which the cream or any part thereof has been removed, shall, for such offence, be punished by the penalty provided in the preceding section.

10. *Skimmed milk must be so marked.* No dealer in milk and no servant or agent of such a dealer, shall sell, exchange or deliver, or have in his custody or possession, with intent to sell, exchange or deliver, milk from which the cream or any part thereof has been removed, unless in a conspicuous place above the center upon the outside of every vessel, can or package, from or in which such milk is sold, the words "skimmed milk" are distinctly painted in letters not less than one inch in length. Whoever violates the provisions of this section, shall, for such offence, be punished by the penalty provided in section one of this act.

11. *Milk standard.* If the milk mentioned in sections one and two of this act is shown, upon analysis, to contain more than eighty-seven and fifty one-hundredth per centum of watery fluid, and to contain less than twelve and fifty one-hundredth per centum of milk solids, and less fat than three per centum, and if the specific gravity at sixty degrees Fahrenheit is not between one and twenty-nine one thousandths to one and thirty-three one thousandths, it shall be deemed to be adulterated.

12. *Skimmed milk standard.* If the skimmed milk mentioned in section three of this act, is shown, upon analysis, to contain less than six per centum of cream by volume, and less than two and five-tenths per centum of fat by weight, and if the specific gravity at sixty degrees Fahrenheit, is not between one and thirty-two thousandths, to one and thirty-seven thousandths, it shall be deemed to be adulterated.

13. *Milk tests.* Whenever the inspector of milk has reason to believe that any milk found by him is adulterated, he shall take specimens thereof and test the same with such instrument or instruments as are used for such purpose, and if the result of such test indicates that the milk has been adulterated or deprived of its cream, or any part thereof, the same shall be prima facie evidence of such adulteration in prosecutions under this act.

14. *Milk analyses.* If the said inspector shall deem it necessary, he shall cause such milk to be analyzed, the result of which analysis he shall record and keep as evidence, and a certificate of such result, sworn to by the analyzer, shall be admissible in evidence in prosecution under this act. The expense of such analysis, not exceeding fifteen dollars in any one case, may be included in the costs of such prosecutions.

15. *Prosecutions.* It shall be the duty of the inspector of milk to commence proceedings in the name of the board of health for any violations of the provisions of this act, from his own knowledge, or on information of any person giving satisfactory evidence to him of such violations, before any mayor, deputy mayor or alderman of said cities.

16. *Disposition of fines; nonpayment.* The recovery of fines or penalties imposed and inflicted on any person by the provisions of this act, shall be for the use of said board of health, and upon nonpayment of the fines or penalties imposed and inflicted as aforesaid, such person shall be committed to the county jail for a period not exceeding thirty days.

17. *Additional penalties.* That in addition to the fines mentioned in the foregoing sections of this act, any person or persons violating the same shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be liable to a fine of not less than fifty, nor more than one hundred dollars, or by imprisonment in the county jail for not less than ten, nor more than thirty days, or both, or either, at the discretion of the court.—*Laws 1885; Brightly's Pardon's Digest, vol. 2, p. 1332.*

SEC. 1. *Manufacture and sale of butter substitutes.* No person, firm or corporate body shall manufacture out of any oleaginous substance or any compound of the same, other than that produced from unadulterated milk, or of cream from the same, any article designed to take the place of butter or cheese produced from pure, unadulterated milk, or cream from the same, or of any imitation or adulterated butter or cheese, nor shall sell or offer for sale, or have in his, her or their possession, with intent to sell the same as an article of food.

SEC. 2. *Sales declared void.* Every sale of such article or substance, which is prohibited by the first section of this act, made after this act shall take effect, is hereby declared to be unlawful and void, and no action shall be maintained in any of the courts of this state to recover upon any contract for the sale of any such article or substance.

SEC. 3. *Penalty; disposal of fines.* Every person, firm or corporate body who shall manufacture, sell or offer or expose for sale, or have in his, her or their possession, with intent to sell, any substance, the manufacture and sale of which is prohibited by the first section of this act shall, for every such offense, forfeit and pay the sum of one hundred dollars, which shall be recoverable, with costs, by any person suing in the name of the Commonwealth, as debts of like amount are by law recoverable, one-half of which sum when so recovered shall be paid to the proper county treasurer for the use of the county in which the suit is brought, and the other half shall be paid to the Dairy and Food Commissioner, or his agent, and by him covered into the State Treasury to be kept as a fund, separate and apart, for the use of the Department of Agriculture for the enforcement of this act, and to be drawn out upon warrants approved and signed by the Secretary of Agriculture and the Auditor General.—*As amended June 26, 1895.*

SEC. 4. *Penalty for violation of section 1.* Every person who violates the provisions of the first section of this act, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than one hundred dollars nor more than three hundred, or by imprisonment in the county jail for not less than ten nor more than thirty days, or both such fine and imprisonment for the first offence, and imprisonment for one year for every subsequent offence.

SEC. 5. *Reports of violations of act.* It shall be the duty of constables of the several cities, boroughs, wards and townships of this commonwealth, to make quarterly reports, under oath, to the courts of quarter sessions, of all violations of any of the provisions of this act which may come or be brought to their notice; and it shall be the duty of the judges of the said courts to see that the said returns are made regularly and faithfully.—*Approved May 21, 1885. Laws 1885; Brightly's Purdon's Digest, 1700-1894, vol. 2, p. 1621.*

SEC. 6 (1). *Use of dairy products in charitable or penal institutions.* It shall not be lawful for any charitable or penal institution in the State of Pennsylvania to use or furnish to its inmates, any substance, the manufacture or sale of which is prohibited by section one of the act, entitled "An act for the protection of the public health and to prevent the adulteration of dairy products and fraud in the sale thereof," approved May twenty-first, Anno Domini one thousand eight hundred and eighty-five (p. 344).

SEC. 7 (2). *Penalty for buying.* Any officer, agent, steward or other official of any such charitable or penal institution, who shall knowingly buy any substance the manufacture or sale of which is prohibited by section one of the said act of May twenty-one, Anno Domini one thousand eight hundred and eighty-five, for use in such charitable or penal institution, or who shall knowingly cause such substance to be used by the inmates of such charitable or penal institution, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding one thousand dollars, or imprisonment not exceeding two years for each offense, or either or both, at the discretion of the court.

SEC. 8 (3). *Penalty for selling.* Every person who shall knowingly sell or offer for sale, to any officer, agent, steward or other official of any charitable or penal institution any substance, the manufacture or sale of which is prohibited by section one of the said act of May twenty-first, Anno Domini one thousand eight hundred and eighty-five, for use in such charitable or penal institution, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding two years, or either or both, at the discretion of the court.—*Approved May 23, 1893. Brightly's Purdon's Digest 1700-1894, vol. 2, p. 1622.*

SEC. 9 (1). *Enforcement of dairy laws. Be it enacted, etc.,* That the State Board of Agriculture be and is hereby empowered and charged with the enforcement of the provisions of the act, entitled "An act for the protection of the public health, and to prevent the adulteration of dairy products and fraud in the sale thereof," approved May twenty-one, Anno Domini one thousand eight hundred and eighty-five, and with the enforcement of all other laws now enacted, or hereafter to be enacted, prohibiting or regulating the adulteration or imitation of butter, cheese or other dairy products.

SEC. 10 (2). *Dairy and food commissioner.* For the purpose of securing the enforcement of the provisions of the said laws concerning dairy products, the president of the State Board of Agriculture be and hereby is authorized and empowered to appoint an agent of the said Board, who shall be known by the name and title of the "Dairy and Food Commissioner," who shall hold his office for the term of two years, or until his successor shall be duly appointed and qualified, and shall receive a salary of two thousand dollars per annum and his necessary expenses incurred in the discharge of his official duties under this act. The said agent shall be charged under the direction of the said Board with the execution and enforcement of all laws now enacted, or hereafter to be enacted, in relation to the adulteration or imitation of dairy products.

SEC. 11 (3). *Assistants; salaries.* The said agent of the said Board, the said Dairy and Food Commissioner, is hereby authorized and empowered, subject to the approval of the said State Board of Agriculture, to appoint and fix the compensation of such assistants, agents, experts, chemists, detectives and counsel as may be deemed by him necessary for the proper discharge of the duties of his office, and for the discovery and prosecution of violations of the said laws: *Provided,* That the entire expenses of the said agent and of all his assistants, agents, experts, chemists, detectives and counsel (salaries included), shall not exceed the sum appropriated for the purposes of this act.

SEC. 12 (4). *Inspection and sampling.* The said agent of the State Board of Agriculture and such assistants, agents, experts, chemists, detectives and counsel, as he shall duly authorize for the purpose, shall have full access, egress and ingress to all places of business, factories, farms, buildings, carriages, cars, vessels and cans, used in the manufacture, transportation and sale of any dairy products, or of any adulteration or imitation thereof. They shall also have power and authority to open any package, can or vessel containing dairy products, or any adulteration or imitation thereof, which may be manufactured, sold or exposed for sale, in violation of any of the provisions of any act now enacted or which may be hereafter enacted in relation to dairy products, or the adulteration or imitation thereof, and they shall also have power to take from such package, can or vessel, samples for analysis.

SEC. 13 (5). *Disposal of fines.* All penalties and costs received by the said State Board of Agriculture for violations of the said act of May twenty-one, Anno Domini one thousand eight hundred and eighty-five, and of other acts now enacted or hereafter to be enacted, prohibiting or regulating the adulteration or imitation of butter,

cheese or other dairy products, shall be appropriated by the said Board to the payment only of the necessary expenses incurred by the said Dairy and Food Commissioner and his assistants and agents in the investigation, discovery and prosecution of violations of the said act.

SEC. 14 (6). *Payment of accounts.* All charges, accounts and expenses of the said Commissioner, and of all the assistants, agents, experts, chemists, detectives and counsel employed by him, shall be paid by the Treasurer of the State in the same manner as other accounts and expenses of the said State Board of Agriculture are now paid as provided by law.

SEC. 15 (7). *Commissioner's reports.* The said Commissioner shall make annual reports of his work and proceedings, and shall report in detail the number and names of the assistants, agents, experts, chemists, detectives and counsel employed by him, with their expenses and disbursements, the number of prosecutions, the number of convictions and the penalties recovered in each case, which report shall be presented to the said State Board of Agriculture at its annual meeting.—*Approved May 26, 1893. Brightly's Pardon's Digest, 1700-1894, vol. 2, p. 1622.*

SEC. 14. *Registration of dairies, etc.* It shall be the duty of the Bureau of Health to make a complete registration of all dairies and milk depots in the said cities, and to require the names of the owners of the different dairies, or of the persons dealing in milk, to be legibly placed upon each vehicle used for the conveyance of milk, and any person or persons refusing or neglecting to give such information, or to place his or their name or names on said vehicles as aforesaid, shall be liable to a fine of not more than twenty dollars for each and every day the same shall be omitted.

SEC. 15. *Adulterated or diseased milk.* It shall be unlawful for any person or persons to offer for sale any milk adulterated with water or other substance, or any milk from diseased cows or goats, and if any person or persons shall violate any of the provisions of this section, he or they shall be liable to a fine of not more than fifty dollars for each and every offense so committed.

SEC. 16. *Enforcement of law.* It shall be the duty of the said Bureau of Health to see that the provisions of sections fourteen and fifteen of this act are enforced, and for that purpose its officers shall have the right at all times to enter all places where milk may be sold, or stop any vehicle used in conveying the same, and cause a sample to be tested or analyzed.

SEC. 17. *Marking of milk wagons.* Any person or persons who shall in any of said cities engage in or carry on the sale, exchange, or traffic in milk, shall have the carriage or vehicle from which the same is vended, conspicuously marked with his, her or their names, also designating the locality from which said milk is obtained or where produced, and for every neglect of so marking, the person or persons so neglecting shall be subject to a fine not exceeding ten dollars. For marking wagons or vehicles so as to convey the idea that said milk is procured from or produced in a different locality than it really is, the person or persons so offending shall be subject to a fine not exceeding fifty dollars. The addition of water or of ice to milk, is hereby declared an adulteration, and any milk obtained from animals fed on distillery waste or any substance in a state of putrefaction, is hereby declared to be impure and unwholesome.—*Approved June 26, 1895. Laws 1895, act 258, p. 350.*

SEC. 1. *Preservatives in milk.* If any person, firm or corporate body, by himself, herself or themselves, or by his, her or their agents or servants, shall offer for sale, expose for sale, sell, or have in possession with intent to sell, for human consump-

tion, milk or cream to which has been added boracic acid salt, boracic acid, salicylic acid, salicylate of soda, formaline, formaldehyde, sodium fluoride, sodium benzoate, or any other compound or substance for the purpose of preserving or coloring the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof in the court of quarter sessions of the proper county, shall be sentenced to pay a fine of not less than fifty nor more than one hundred dollars, or to undergo an imprisonment not exceeding sixty days, or both, at the discretion of the court.—*As amended April 19, 1901. Laws 1901, act 59, p. 85.*

SEC. 2. *Enforcement of act.* The agent of the Department of Agriculture, known as the Dairy and Food Commissioner, shall be charged with the enforcement of all the provisions of this act, and shall have all the power to enforce this act that is given him to enforce the provisions of the act by which he receives his appointment.

SEC. 3. *Disposition of fines, etc.* All penalties and costs for the violation of the provisions of this act shall be paid to the Dairy and Food Commissioner or his agent, and by him into the State Treasury, to be kept as a fund, separate and apart, for the use of the Department of Agriculture for the enforcement of this act, and to be drawn out upon the warrant signed by the Secretary of Agriculture and the Auditor General.

SEC. 4. *Repeal.* All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.—*Approved June 10, 1897. Laws 1897, act 118, p. 142.*

SEC. 1. *Adulterated cheese. Be it enacted, etc.,* That no person, firm or corporate body shall manufacture, sell, offer for sale or have in his or their possession with intent to sell, any cheese not the legitimate product of pure, unadulterated milk or cream, or any cheese into which any foreign fats or substances have been introduced as may appear upon proper test.

SEC. 2. *Grades of cheese; branding.* All cheese manufactured or sold within this Commonwealth shall be divided into five grades, and shall be branded or stenciled in ordinary bold-faced capital letters, not less than one-half inch in height on one side of each cheese, and upon one side of the box or case containing the cheese, the manufacturer's name and postoffice address, and the words "FULL CREAM," "THREE-FOURTHS CREAM," "ONE-HALF CREAM," "ONE-FOURTH CREAM," and "SKIMMED CHEESE." All cheese branded "FULL CREAM" shall contain not less than thirty-two per centum of butter fat as may appear upon proper test. All cheese branded "THREE-FOURTHS CREAM" shall contain not less than twenty-four per centum of butter fat, as may appear upon proper test. All cheese branded "ONE-HALF CREAM" shall contain not less than sixteen per centum of butter fat, as may appear upon proper test. All cheese branded "ONE-FOURTH CREAM" shall contain not less than eight per centum of butter fat, as may appear upon proper test. All cheese containing less than eight per centum of butter fat, as may appear upon proper test, shall be branded "SKIMMED CHEESE:" *Provided, however,* That all full-cream cheese sold, shipped or consigned to dealers outside of the Commonwealth of Pennsylvania may be branded, or stenciled, or not, as required by this act, at the option of the manufacturer.—*Amendment of May 2, 1901. Laws, 1901, act 95, p. 128.*

SEC. 3. *Penalties.* Every person, firm or corporation who shall violate any of the provisions of this act shall, for every such offense, forfeit and pay the sum of not less than fifty dollars, nor more than one hundred dollars, together with all charges and expenses for inspection and analysis connected therewith, by any person suing therefor in the name of the Commonwealth, as debts of like amount are by law recoverable; and justices of the peace and aldermen throughout this Commonwealth shall have jurisdiction to hear and determine all actions arising under the provisions of this act, and all cheese not in accordance with this act shall be subject to forfeiture and spoliation: *Provided,* That the Department of Agriculture, through its officer, known as the

Dairy and Food Commissioner, together with his deputies, agents and assistants, shall be charged with the enforcement of the provisions of this act, and shall have authority to enter any building or factory where the same is sold or manufactured or exposed for sale, and shall have the right to take samples sufficient for analysis, upon tendering the value thereof. All fines and penalties, including also all charges for inspection and analysis, shall be paid to the Dairy and Food Commissioner, his deputies, agents or assistants, and by him immediately covered into the State Treasury, and so much of said fund as may be necessary for the enforcement of this act shall be drawn out upon warrants signed by the Secretary of Agriculture and Auditor General: *Provided*, That the provisions of this act shall not be construed to apply to such cheese as is known as "fancy" cheese and is under five pounds in weight, each; or to what is known as cottage cheese or pot cheese, and do not contain anything injurious to health.

SEC. 4. This act shall take effect sixty days after its approval by the Governor of the Commonwealth.—*Approved June 23, 1897. Laws, 1897, act 164, p. 202.*

SEC. 1. *Adulterated or diluted milk.* *Be it enacted, etc.,* That whoever by himself or by his servant or agent, or as the servant or agent of any person, sells, exchanges or delivers, or has in his custody or possession, with intent to sell or exchange or dispense, or offers for sale, as pure milk, any milk from which the cream or any part thereof has been removed, or which has been adulterated or changed in any respect by the addition of water or other substance, shall be liable to the penalties hereinafter provided.

SEC. 2. *Skimmed milk must be labeled.* No dealer in milk, or agent of such dealer, shall sell, exchange or deliver, or have in his custody or possession, with intent to sell, exchange or deliver, milk from which the cream or any part thereof has been removed, unless in a conspicuous place, above the center, on the outside of each vessel, can or package from and in which such milk is sold, conveyed or delivered the words "skimmed milk" are permanently soldered, in metallic letters, not less than one inch in height: *Provided*, That in case of the delivery of skimmed milk in glass bottles, the words "skimmed milk" shall be blown in the bottle in letters of not less than one inch in height.

SEC. 3. *Standard for skimmed milk.* No person shall sell, exchange or deliver, or have in his custody or possession with intent to sell, exchange or deliver, skimmed milk containing less than eight percentum of the milk solids, exclusive of butter fat.

SEC. 4. *Care of milch cows.* That every person who shall sell or offer for sale, or who shall transport or carry for the purpose of sale, or shall have in his possession with intent to sell, any impure, adulterated or unwholesome milk, and every person who shall adulterate milk or who shall keep cows, for the production of milk, in a crowded or unhealthy condition, or feed the same on food that produces impure, diseased or unwholesome milk or who shall feed cows on distillery waste, usually called "swill," or upon any substance of an unwholesome nature, or who shall not allow his cows free movement in the open air, at pasture (weather permitting), at least four hours each day, shall be liable to the penalties provided.

SEC. 5. *Adulterations and unwholesome conditions specified.* That the addition of water, ice or any other substance or thing is hereby declared an adulteration; and milk that is obtained from animals that are fed on distillery waste, usually called "swill," or upon any substance in a state of decomposition, or upon any substance of an unwholesome nature, or milk that has been exposed to or adulterated by the emanations, discharges or exhalations from persons or animals having any contagious diseases, by which the health or life of any person may be endangered, or milk from tuberculous cows, or cows suffering from any febrile disease, is hereby declared to be impure and unwholesome.

SEC. 6. *Standard for milk.* No person shall sell, exchange, or deliver, or transport, or have in his, her or their possession for the purpose of sale of, any milk which contains more than eighty-eight per centum of water, and less fat than three per centum, and the specific gravity of which, at sixty degrees Fahrenheit, is not between one and twenty-nine thousandths and one and thirty-three thousandths; and all milk of lower grade or quality than is established by this section shall be deemed and taken and is hereby declared to be adulterated and impure within the meaning of this act.

SEC. 7. *Diseased cows; examinations and certificates.* On and after the passage of this act, for all milk brought into, or offered for sale in, the cities of the second class, satisfactory evidence shall be furnished to the bureau of health by the producers or dealers that said milk has been produced by healthy cows, and especially that they are free from tuberculosis, which conditions of health shall be determined by examinations and tuberculin tests to be made by the veterinarian who may be employed by the proper authorities of the city. After examinations have been made, the veterinarian shall place upon each animal found by him to be in a healthy condition an ear tag, to be furnished by the bureau of health, and also furnish to said bureau a certificate setting forth that each of said animals is free from disease, is being properly fed, and that the premises occupied by them are in good sanitary condition. Subsequent examinations, tests and certificates, as aforesaid, may be required by the superintendent, whenever in his opinion, based upon reliable information, any of said animals are in an unhealthy condition, or the premises occupied by them are in an unsanitary state; and the superintendent, his officers, agents, and experts shall at all times have full and free access to any place or places where such animals are kept, for the purposes aforesaid, where such animals and the milk therefrom are kept, whether such places be within or beyond the limits of such cities, and any person impeding such access shall be guilty of a violation of this act.

SEC. 8. *Licenses for milk wagons; records.* The Superintendent of the Bureau of Health shall, on or before the first day of September of each year, license all persons who convey milk in wagons, or otherwise, for the purpose of selling the same within the cities to which this act applies, said license to be renewed annually. He shall also keep a record of the names, residences, places of business, number of wagons or other vehicles used for the purpose, the name and residence of every driver or other person engaged in carrying or selling milk and the number of the license. The latter shall be legibly printed, together with the name of the owner, on each outer side of all wagons or vehicles used in conveyance or sale of milk, in letters not less than four inches in height. He shall also license and register every person selling or offering milk for sale in a store, stand or market place within the city, which license shall be displayed conspicuously in said place of business. The dealer or vender shall, upon order of the superintendent of the bureau of health, pay into the city treasury the sum of one dollar, and receive therefor a receipt, presentation of which at the office of the bureau of health shall entitle him to license: *Provided*, That all the provisions and requirements of section seven of this act have been complied with.

SEC. 9. *Penalty.* That any person who shall engage in or continue the sale of milk in said city without first having obtained such license, or who shall violate any of the provisions of this act, shall be liable to a penalty of not less than ten dollars or more than twenty-five dollars for the first offense, and a penalty of not less than twenty-five dollars nor more than fifty dollars for the second offense, and for each offense thereafter not less than fifty dollars nor more than one hundred dollars. All fines and penalties imposed by this act shall be recoverable by summary proceedings before any alderman or police magistrate in any of said cities, and all suits or actions at law instituted for the recovery thereof shall be in the name and for the use of the city within or against which the offense is committed; and upon recovery thereof, all such fines and penalties shall be paid to the city treasurer thereof. In default of the payment of any fine or penalty imposed by any alderman or police magistrate,

under the provisions of this act, the person or persons so offending may be committed to the jail, workhouse or other penal institution of the county in which said city is situated, for a period not exceeding thirty days.

SEC. 10. *Repeal.* All acts or parts of acts inconsistent herewith be and the same are hereby repealed.—*Approved May 16, 1901. Laws 1901, Act 164, pp. 221-224.*

SEC. 1. *License necessary for imitation butter trade; coloring; labeling, etc.* *Be it enacted, etc.,* That no person, firm or corporation shall, by himself, herself, or themselves, or by his, her or their agent or servant, nor shall any officer, agent, servant or employe of any person, firm or corporation, manufacture, sell, ship, consign, offer for sale, expose for sale, or have in possession with intent to sell, oleomargarine, butterine, or any similar substance, article, product or compound, made wholly or partly out of any fats, oils or oleaginous substance, or compound thereof, not produced from pure, unadulterated milk, or cream from the same, without the admixture or addition of any fat foreign to the said milk or cream, and which shall be in imitation of yellow butter, produced from pure, unadulterated milk, or cream of the same, with or without coloring matter, unless such person, firm or corporation shall have first obtained a license and paid a license fee, as hereinafter provided; nor unless the said article, product or compound, so manufactured, shipped, consigned, offered for sale, exposed for sale, or had in possession with intent to sell, shall be made and kept free from all coloration or ingredients causing it to look like yellow butter; nor unless the same shall be kept and presented in a separate and distinct form, and in such manner as will advise the purchaser and consumer of its real character; nor unless such person, firm or corporation shall in all other respects comply with and observe the provisions of this act.

SEC. 2. *Application for license; fees; wholesale dealers.* Every person, firm or corporation, and every agent of such person, firm or corporation, desiring to manufacture, sell or offer, or expose for sale, or have in possession with intent to sell, oleomargarine, butterine, or any similar substance, not made or colored in imitation of yellow butter, shall make application for a license so to do, in such form as shall be prescribed by the Department of Agriculture through its agent, the Dairy and Food Commissioner; which application, in addition to other matters which may be required to be stated therein by said Dairy and Food Commissioner, shall contain an accurate description of the place where the proposed business is intended to be carried on, and the name and style under which it is proposed to conduct the said business. If the said application is satisfactory to the said Dairy and Food Commissioner, and said name and style shall not, in the judgment of the Dairy and Food Commissioner, be calculated to deceive or mislead the public as to the real nature of the business so proposed to be carried on, he shall issue to the applicant or applicants a license, authorizing him, her or them to engage in the manufacture or sale of oleomargarine, or butterine, or any similar substance, which shall not contain any coloration or ingredient that causes it to resemble or be in imitation of yellow butter; for which said license the applicant or applicants shall first pay: if a manufacturer, the annual sum of one thousand dollars; if a wholesaler, the annual sum of five hundred dollars; and if a retailer, the annual sum of one hundred dollars; if a proprietor of a hotel, restaurant or dining room, the annual sum of fifty dollars; and if a proprietor of a boarding house, the annual sum of ten dollars; and the said license fee, when received by the Dairy and Food Commissioner or his agent, shall be by him immediately covered into the State Treasury. Such licenses shall not authorize the manufacture or sale, exposing for sale, or having in possession with intent to sell, oleomargarine, butterine or any similar substance, at any other place than that designated in the application and license; and the said license shall not authorize the

manufacture, sale, exposing for sale, or having in possession with intent to sell, any oleomargarine, butterine or any similar substance, made or colored so as to resemble or be in imitation of yellow butter.

All licenses under this act shall expire on the thirty-first day of December of each year, but licenses may be granted to commence on the first day of any month for the remainder of a year, upon the payment of a proportionate part of the annual license fee; such licenses may be transferred by the Dairy and Food Commissioner upon the application in writing of the person, firm or corporation to which the same has been granted: *Provided*, The transferre^a shall comply with the regulations made by the said Dairy and Food Commissioner in regard to the said transfer, and shall thereafter comply with the provisions of this act.

Wholesale dealers, within the meaning of this act, shall be all persons, firms and corporations who shall sell to dealers, and persons who shall buy to sell again, and all persons, firms and corporations who make sales in quantities of ten pounds and over, at any time and retail dealers shall be all persons, firms and corporations who shall sell in quantities less than ten pounds.

Sec. 3. *Display of license; signs, and placards.* After obtaining the license required by this act, the person, firm or corporation obtaining the same shall, before beginning any business under the said license, hang up and display, in a conspicuous place, on the walls of the room or store in which the oleomargarine, butterine or other similar substance is manufactured, sold or exposed for sale, the license so obtained as aforesaid; and shall also procure from the Department of Agriculture, through the Dairy and Food Commissioner, a sign or signs, which in number, size and lettering shall be as the Dairy and Food Commissioner shall direct, and which shall be uniform throughout the Commonwealth, clearly setting forth that he, she or they are engaged in the manufacture or sale of oleomargarine; which said sign or signs, when procured, shall be hung up in a conspicuous place or places on the walls of every room or store in which the oleomargarine, butterine or other similar substance is manufactured or sold. And in addition to such sign or signs, so hung up as aforesaid, every proprietor of a hotel, restaurant, dining-room or boarding-house, shall also have conspicuously placed, upon every counter or table at which food, meals or refreshments are served to customers, a placard plainly printed, in letters not less than one-half inch in length, stating that oleomargarine is used and served to customers.

Sec. 4. *Oleomargarine placards.* It shall be unlawful for any person, firm or corporation, or any agent thereof, to sell or offer or expose for sale, or have in possession with intent to sell, any oleomargarine, butterine or similar substance, not in imitation of yellow butter, which is not marked and distinguished, on the outside of each tub, package or parcel thereof, in a conspicuous place by a placard with the word "OLEOMARGARINE" printed thereon; such placard to be placed in a conspicuous position, in full view of the purchaser, and the said word "OLEOMARGARINE" on such placard shall be printed in plain, uncondensed, Gothic letters, not less than one inch long, and such placard shall not contain any other words thereon. And there shall also be displayed upon every open tub, package or parcel containing such oleomargarine, butterine or similar substance, not in imitation of yellow butter, in the same manner, in a conspicuous position, a placard with the word "OLEOMARGARINE" printed thereon, in the same form as above described in this section; and when oleomargarine, butterine or other similar substance, not in imitation of yellow butter, is sold from such tub or package, or otherwise, at retail in print, roll or other form, before being delivered to the purchaser it shall be wrapped in wrappers, plainly stamped on the outside thereof with the word "OLEOMARGARINE," printed or stamped thereon in letters one-fourth inch square; and said

^aSo in laws.

wrapper shall also contain the name and address of the seller and the quantity sold, and no other words thereon, and the said word "OLEOMARGARINE" so stamped or printed on the said wrapper, shall not be in any manner concealed, but shall be in plain view of the purchaser at the time of purchase.

SEC. 5. *Records of oleomargarine sales.* Every licensed manufacturer of oleomargarine, butterine or other similar product, not in imitation of yellow butter, and every licensed wholesale dealer therein, shall keep a book in which shall be entered accurately every sale and shipment of oleomargarine, butterine or other similar substance, not in imitation of yellow butter; giving the date of sale and shipment, the quantity, the person to whom sold and shipped, the place to which shipped, and the name of the transportation line by which shipped; which book shall always be open to the examination of the Dairy and Food Commissioner, his agents, attorneys and representatives. Every licensed retail dealer in oleomargarine, butterine or similar substance, not in imitation of yellow butter, shall keep an accurate account, in a book open to the examination of the Dairy and Food Commissioner, his agents, attorneys and representatives, in which shall be entered the date of the receipt of all purchases of oleomargarine, butterine or any similar substance, made by such retail dealer; stating therein where, when and from whom purchased, and the quantity; and the said books, so to be kept by manufacturers, wholesale and retail dealers, shall be in such form as the Dairy and Food Commissioner shall direct.

SEC. 6. *Penalties; jurisdiction; costs.* Every person, firm or corporation, and every officer, agent, servant and employe of such person, firm or corporation, who shall manufacture, sell or offer, or expose for sale, or have in possession with intent to sell, oleomargarine, butterine or any similar substance, in violation of any of the provisions of this act; or who shall sell oleomargarine, butterine, or any similar substance, as or for butter; or who shall fail to keep a book, in accordance with the last preceding section; or who shall, in any other respect, violate any of the provisions of this act, shall, for every such offense, forfeit and pay the sum of one hundred dollars, which shall be recoverable, with the costs, including the expense of analysis, by any person suing in the name of the Commonwealth, as debts of like amount are by law recoverable; and justices of the peace and aldermen throughout this Commonwealth shall have jurisdiction to hear and determine all actions for recovery of said penalties, with the right to either party to appeal to the court of common pleas, as provided in existing laws in suits for penalties. And all penalties and costs imposed and recovered under the provisions of this act shall be paid to the Dairy and Food Commissioner, or his agents, and by him immediately covered into the State Treasury, to be paid out and used as hereinafter provided.

SEC. 7. *Additional penalties.* In addition to the above penalty, every person, firm or corporation, and every officer, agent, servant or employe of such person, firm or corporation, who violates any of the provisions of this act shall also be guilty of a misdemeanor; and upon conviction thereof, shall be punished for the first offense by a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail for not more than three months, or both, at the discretion of the court; and upon conviction of any subsequent offense, shall be punished by a fine of not less than five hundred dollars, nor more than one thousand dollars, and by imprisonment in the county jail for not less than six months nor more than twelve months.

SEC. 8. *Evidence of granting of license.* In any proceeding under this act, either for the collection of a penalty or a prosecution for a misdemeanor, the certificate of the Dairy and Food Commissioner and the Secretary of Agriculture, under the seal of the Department of Agriculture, shall be accepted by justices of the peace, aldermen, and courts of record, as evidence of the granting of licenses to manufacture or sell oleomargarine or butterine, or of the fact that no such license has been granted to any particular person, firm or corporation.

SEC. 9. *Restraining order while trial is pending.* Whenever a suit for the collection of a penalty, under the provisions of this act, shall be appealed to any court of record, or whenever any prosecution for a misdemeanor on account of any violation of the provisions of this act has been returned to any court of quarter sessions, it shall be lawful for the Dairy and Food Commissioner, his agents or attorneys, in case the person or persons who have been sued for such penalty, or prosecuted for such misdemeanor, have since the commencement of such suit or prosecution again violated any of the provisions of this act, to apply to the court, having jurisdiction of such appeal or of such prosecution, or to any law judge thereof, by petition, setting forth the facts, and asking the said court to make an order commanding and restraining the person or persons so sued or prosecuted as aforesaid from further violating any of the provisions of this act until such time as the said suit for penalty or the said prosecution shall have been finally decided and determined; and thereupon the said court, or any law judge thereof, after such notice to such person or persons, so sued or prosecuted as aforesaid, as to the said court or judge may appear proper, and after inquiring into the facts alleged in said petition, shall, if satisfied that any violation of the provisions of this act has been committed by such person or persons since the commencement of said suit or prosecution, make an order commanding and restraining the said person or persons from any further violation of the provisions of this act until such time as the said suit or prosecution shall have been finally decided and determined; and in case, upon the final determination of said suit or prosecution, it shall appear that the said person or persons had incurred the liability to payment of the penalty for which suit had been so brought, or has been duly convicted of a misdemeanor in the prosecution so commenced as aforesaid, the said court or law judge thereof shall make the aforesaid order, restraining the said person or persons from the further violation of the provisions of this act, continuing and permanent; and any violation by any person or persons of any such restraining order of such court or judge, whether the said restraining order shall be made during the pendency of a suit for penalty or of a prosecution as above stated, or after the final determination of such suit or prosecution in the manner aforesaid, shall be punishable as a contempt of the court so making the said order; and the said court is hereby authorized to take such steps for the punishment of such contempt as may by law be now taken for disregarding any injunction or other order of the courts of common pleas of this Commonwealth, sitting in equity and exercising equity jurisdiction. No security shall be required on the part of the petitioner for such restraining order, and the costs of the application and subsequent proceedings thereon shall be in the discretion of the court.

SEC. 10. *Report of violations of law; prosecutions.* It shall be the duty of every constable in any city, borough, ward or township of this Commonwealth, having knowledge of any violation of this act, or whenever requested so to do by the Dairy and Food Commissioner, his agent, or attorney, or by any citizen of this Commonwealth, to make report to the court of quarter sessions of the proper county, as part of his quarterly report and return to said court, of the name of every person, firm or corporation known by him to have violated any of the provisions of this act, or alleged by the person so giving notice as aforesaid to said constable to have violated any of the provisions of this act, and of the names of all witnesses furnished to said constable, whose testimony it is alleged will sustain or prove the fact of such violation; and it shall be the duty of the judge of the said courts to make inquiry of all constables, at the time of the making of their quarterly returns to the court of quarter sessions, as to whether they have knowledge, and whether notice has been given to them, respectively, of any violation of this act, in accordance with the terms of this section; and whenever such quarterly reports shall contain the name of any person alleged to have violated the provisions of this act, together with the names of witnesses to prove such violations, as also the name of the person giving notice to

the constable as aforesaid, the said court shall direct the district attorney to prepare an indictment against every person so named, and call and send the witnesses, whose names have been so returned, before the grand jury then sitting, in support of the said indictment: and if a true bill shall be returned by the grand jury, thereupon to issue a summary process to bring in the person so charged to answer the matters alleged in such prosecution, and thereupon proceed to trial as speedily as possible, according to the course of practice in the said court of quarter sessions.

Sec. 11. *Prosecutions instigated by citizens: collaboration of dairy and food commissioner.* The Dairy and Food Commissioner shall be charged with the enforcement of all the provisions of this act: but any citizen of the Commonwealth, having knowledge or information of the violation of any of the provisions of this act, may, in the name of the Commonwealth, begin a suit for penalty or prosecution for misdemeanor, in accordance with the provisions of this act, and may prosecute to final judgment any such suit or prosecution, giving notice in writing, however, to the Dairy and Food Commissioner of the commencement of such suit or prosecution, immediately upon the commencement of the same, stating the nature of the proceeding and the magistrate before whom commenced: and shall, in like manner, report to the Dairy and Food Commissioner each successive step taken in such suit or prosecution: and such citizen shall, upon complying with the provisions of this section, be entitled to receive one-half of any penalty or fine which may be recovered in such proceeding and paid to the Dairy and Food Commissioner: and immediately upon the receipt and covering into the treasury of any such penalty or fine, recovered and paid in any proceeding commenced by a citizen as aforesaid, the Dairy and Food Commissioner shall pay the one-half thereof to the said citizen, so commencing said proceeding and complying with the provisions of this section. Such citizen shall also be entitled to recover from the defendant his witness fees and other legal costs as fixed by law, in said proceeding.

Sec. 12. *Disposition of fines, &c.* The money paid into the Treasury under the provisions of this act shall constitute a special fund, for the use of the Department of Agriculture in enforcing this law: and may be drawn out upon warrants signed by the Secretary of Agriculture and approved by the Auditor General, subject, however, to the payment to any citizen commencing and successfully prosecuting a proceeding for any violation of this act, under the last preceding section, of one-half of the penalty or fine so recovered in such proceeding and paid into the State Treasury.

Sec. 13. *Inspection and sampling.* The Dairy and Food Commissioner, his assistants, agents, experts, chemists, detectives and counsel, duly appointed by him for the purpose, shall have full access, egress and ingress to all places of business, factories, farms, buildings, carriages, cars, vessels and cans, used in the manufacture, transportation and sale of any dairy products, or of any adulteration or imitation thereof: and shall also have power and authority to open any package, can or vessel containing, or which may be supposed to contain, oleomargarine, butterine or other similar substance, or any adulteration or imitation of butter, which may be manufactured, sold or exposed for sale in violation of any of the provisions of this act, or of any act which may be hereafter enacted in relation to butter or the adulteration or imitation thereof: and they shall also have power to take from such package, can or vessel samples for analysis, upon paying or tendering the value of such samples.

Sec. 14. *Bulletin of dairy and food commissioner.* The Dairy and Food Commissioner shall publish a semi-annual bulletin, and distribute the same in the same manner as other bulletins of the Department of Agriculture are published and distributed: which semi-annual bulletin shall contain the name and address of every person, firm or corporation to whom a license has been issued for the manufacture or sale of oleomargarine, butterine or other similar substance: and also, a tabulated statement of all the actions, civil or criminal, which have been brought for the violations of this act, giving the name and address of the defendant, and the disposition of every such case.

SEC. 15. *Repeal.* All acts or parts of acts inconsistent with this act are hereby repealed; but the repeal of said acts shall not in any way interfere with, or prevent the prosecution to final termination of, any actions, civil or criminal, now pending or which may hereafter be commenced, for any violation of said acts which has already been committed—*Approved, May 29, 1901. Laws, 1901, act 208, pp. 327-335.*

SEC. 1. "*Boiled*" or "*process*" butter defined. *Be it enacted, etc.,* That for the purposes of this act certain food product, usually known as "*boiled*" or "*process*" butter, produced by taking original packing stock and other butter and melting the same so that the butter oil can be drawn off, mixed with milk or skimmed milk or other material, and by emulsion or other process produce butter, and butter produced by any similar process, and commonly known as "*boiled*" or "*process*" butter; and which "*boiled*" or "*process*" butter for the purpose of this act shall be known and designated as "*renovated butter*."

SEC. 2. *License for trade in "renovated butter;" fees; display of signs and license.* Every person, firm or corporation, and every agent of such person, firm or corporation, who shall desire to engage in the business of manufacturing or selling "*renovated butter*," shall first make application to the Department of Agriculture for a license, authorizing him, her or them to engage in the manufacture or sale of "*renovated butter*," and such application for license shall be in such form as shall be prescribed by the Department of Agriculture through its agent, the Dairy and Food Commissioner; which application, in addition to other matters which may be required to be stated therein by the said Dairy and Food Commissioner, shall contain an accurate description of the place where the proposed business is intended to be carried on, and the name and style under which it is proposed to conduct the said business, which name and style shall not, in the judgment of the Dairy and Food Commissioner, be calculated to deceive or mislead the public as to the real nature of the business so proposed to be carried on; and if the said application is satisfactory to the said Dairy and Food Commissioner, he shall issue to the applicant or applicants a license, authorizing him, her or them to engage in the manufacture or sale of "*Renovated Butter*," for which said license the applicant or applicants shall first pay, annually, the following sum: if a manufacturer, the annual sum of one thousand (\$1,000) dollars; if a wholesale dealer, the annual sum of five hundred (\$500) dollars; if a retailer, the annual sum of one hundred (\$100) dollars; if a restaurant keeper or dining room proprietor, or a hotel proprietor, the annual sum of fifty (\$50) dollars; if a boarding house keeper, the annual sum of ten (\$10) dollars; and the said license fees, when received by the said Dairy and Food Commissioner or his agent, shall be by him immediately paid into the State Treasury. All licenses under this act shall expire the thirty-first day of December of each year, but licenses may be granted to begin on the first of any month, for the remainder of a year, upon the payment of a proportionate part of the annual license fee. Wholesale dealers, within the meaning of this act, shall be all persons, firms or corporations who shall sell to dealers, and persons who shall buy to sell again, and all persons, firms and corporations who make sales in quantities of ten pounds and over at any time. An agent of a manufacturer located outside of the State, and taking orders within this State for such "*Renovated Butter*," to be delivered from the factory or from a storage-house, or from one place of business to another within this State, shall be, within the meaning of this act, a wholesale dealer. And retail dealers shall be all persons, firms or corporations who sell in quantities of less than ten pounds. Every restaurant keeper or dining room proprietor or hotel proprietor or boarding house keeper, who furnishes "*Renovated Butter*" as part of the meal served to customers or guests, shall be regarded as a dealer in "*Renovated Butter*." Such license may be transferred by the Dairy and Food Commissioner, upon the

application in writing of the person, firm or corporation to which the same has been granted, provided the transferee shall comply with the provisions of this act and with the regulations made by the said Dairy and Food Commissioner in regard to said transfer. Such license shall not authorize the manufacture or sale, exposing for sale or having in possession with intent to sell, "Renovated Butter" at any place other than that designated in the application and license. The license, procured as aforesaid, shall be hung up in a conspicuous place, in the place of business, room or store where such "Renovated Butter" is authorized to be sold.

SEC. 3. *Sale of renovated butter on the street.* That no person, firm or corporation shall sell or offer or expose for sale, or have in his, her or their possession with intent to sell, any "Renovated Butter" from a wagon or other vehicle, or upon the public streets or roads, or from house to house.

SEC. 4. *Signs and stencils.* Every person, firm or corporation who shall obtain a license for the manufacture or sale of "Renovated Butter" shall also be required, before engaging in such manufacturing or sale, to procure from the Dairy and Food Commissioner a sign or signs, of such form, size and lettering as the Dairy and Food Commissioner shall determine, and which shall be uniform throughout the Commonwealth; which said sign or signs shall clearly set forth that he, she or they are engaged in the manufacture or sale of "Renovated Butter," and which sign or signs when procured shall be hung up in a conspicuous place or places, on the wall of each room or store or place of business in which "Renovated Butter" is manufactured or sold; and in addition to such sign or signs, so hung up as aforesaid, every restaurant keeper or dining-room proprietor, or hotel proprietor or boarding-house keeper, shall also have conspicuously placed upon every counter or table, at which food, meals or refreshments are served to customers, a placard, plainly printed in letters not less than one-half inch in length, stating that "Renovated Butter" is used and served to customers. Every person, firm or corporation who shall obtain a license as a manufacturer or wholesale dealer, for the manufacture or sale of renovated butter, shall also be required, before engaging in such manufacture or sale, to procure from the Dairy and Food Commissioner a stencil, of such form, size and lettering as the Dairy and Food Commissioner shall determine, and which shall be uniform throughout the Commonwealth; which said stencil shall designate the number of the said license, and the name and address of the holder thereof; which said stencil shall be used by the manufacturer or wholesale dealer, and said stencil brand shall be placed on each and every package, before being sold by the manufacturer or wholesale dealer to the retailer. If any package of renovated butter shall be found in the possession of any manufacturer or wholesale dealer or retail dealer, without the said stencil brand being found thereon, such package shall be seized by the Dairy and Food Commissioner or by any of his agents, and said package shall be forfeited, and shall be sold by the Dairy and Food Commissioner or his agents, and the proceeds thereof paid to the State Treasurer, for the use of the Department of Agriculture.

SEC. 5. *Placards, wrappers, etc., to be marked "Renovated Butter."* It shall be unlawful for any person, firm or corporation, or any agent thereof, to sell, or offer or expose for sale, or have in his, her or their possession with intent to sell, any "Renovated Butter," not marked and distinguished on the outside of each tub, package or parcel thereof, in a conspicuous place, by a placard with the words "Renovated Butter;" and such placard shall be printed in plain, uncondensed Gothic letters, not less than one-half inch long, and such placard shall not contain any other words, printing or device thereon; and also, upon every open tub, package or parcel, containing such "Renovated Butter," there shall be displayed in the same manner, in a conspicuous place, a placard with the words "Renovated Butter" printed thereon, in the same form as above described in this section; and when "Renovated Butter" is sold from such package, or otherwise, at retail, in print, roll or other form, before being delivered to the purchaser it shall be wrapped in wrappers, plainly stamped on the out-

side thereof with the words "Renovated Butter," printed or stamped thereon in letters one-quarter of an inch square, and such wrapper shall contain no other words or printing thereon; and the said words "Renovated Butter," so stamped or printed on the said wrapper, shall not be in any manner concealed, but shall be in plain view of the purchaser at time of purchase.

SEC. 6. *Record of sales of renovated butter.* Every person, firm, or corporation who shall have obtained a license, and be engaged in the business of manufacturer or wholesale dealer in "Renovated Butter," shall keep a book, in which shall be entered accurately every sale and shipment, the quantity and person to whom sold and shipped, the place to which shipped and the name of the transportation line by which shipped; which said book shall be always open to the inspection of the Dairy and Food Commissioner, or his agents, attorneys and representatives. Every retail dealer in "Renovated Butter" shall keep an accurate account, in a book open to the examination of the Dairy and Food Commissioner, or his agents, attorneys and representatives, in which said book shall be entered the date of the receipt of all purchases of "Renovated Butter" made by such retail dealer, stating therein where and from whom purchased, and the quantity so purchased.

SEC. 7. *Penalties; costs, etc.* Every person, firm or corporation, and every agent of such person, firm or corporation, who shall manufacture, sell or offer, or expose for sale, or have in his, her or their possession with intent to sell, "Renovated Butter," in violation of any of the provisions of this act, or who shall in any other respects violate any of the provisions of this act, shall for every offense forfeit and pay the sum of one hundred (\$100) dollars, which shall be recoverable with the costs, including the expense of the inspection and analysis, by any person suing in the name of the Commonwealth, as debts of like amount are by law recoverable; and justices of the peace and aldermen, throughout this Commonwealth, shall have jurisdiction to hear and determine all actions for recovery of penalties for violations of the provisions of this act, with the right of appeal in either party to the court of common pleas, as provided in existing laws in suits for penalties; and all penalties and costs, imposed and recovered under the provisions of this act, shall be paid to the Dairy and Food Commissioner or his agents, and by him immediately covered into the State Treasury, to be paid out and used as hereinafter provided.

SEC. 8. *Additional penalties.* In addition to the above penalty, every person, firm or corporation, and every agent of such person, firm or corporation, who violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished for the first offense by a fine of not less than one hundred (\$100) dollars, nor more than three hundred (\$300) dollars, or by imprisonment in the county jail for not more than thirty (30) days, or both, at the discretion of the court; and for the second offense, by a fine of not less than three hundred (\$300) dollars and not exceeding five hundred (\$500) dollars, and imprisonment not exceeding two (2) years.

SEC. 9. *Proof of license for renovated butter trade.* In any proceedings under this act, either for the collection of a penalty or prosecution for a misdemeanor, the certificate of the Dairy and Food Commissioner and the Secretary of Agriculture, under the seal of the Department of Agriculture, shall be accepted by justices of the peace, aldermen and courts of record as evidence of the granting of a license to manufacture or sell "Renovated Butter," or of the fact that no such license has been granted to any particular person, firm or corporation.

SEC. 10. *Restraining order pending trial.* Whenever a suit for the collection of a penalty, under the provisions of this act, shall be appealed to any court of record, or whenever any prosecution for a misdemeanor, on account of any violation of the provisions of this act, has been returned to any court of quarter sessions, it shall be lawful for the Dairy and Food Commissioner, his agents or attorneys, in case the person or persons who have been sued for such penalty or prosecuted for such misde-

meanor have, since the commencement of such suit or prosecution, again violated any of the provisions of this act, to apply to the court having jurisdiction of such appeal or of such prosecution, or to any law judge thereof, by petition setting forth the facts, and asking the said court to make an order commanding and restraining the person or persons, so sued or prosecuted as aforesaid, from further violating any of the provisions of this act until such time as the said suit for penalty or the said prosecution shall have been finally decided and determined; and thereupon the said court, or any law judge thereof, after such notice to such person or persons, so sued or prosecuted as aforesaid, as to the said court or judge may appear proper, and after inquiring into the facts alleged in said petition, shall, if satisfied that any violation of the provisions of this act has been committed by such person or persons since the commencement of said suit or prosecution, make an order, commanding and restraining the said person or persons from any further violations of the provisions of this act, until such time as the said suit or prosecution shall have finally decided and determined; and in case, upon the final determination of said suit or prosecution, it shall appear that the said person or persons had incurred the liability to payment of the penalty for which said suit had been so brought, or has been duly convicted of a misdemeanor in the prosecution so commenced as aforesaid, the said court or law judge thereof shall make the aforesaid order, restraining the said person or persons from the further violation of the provisions of this act, continuing and permanent; and any violation by any person or persons of any restraining order of such court or judge, whether the restraining order shall be made during the pendency of a suit for penalty, or of a prosecution as above stated, or after the final determination of such suit or prosecution in the manner aforesaid, shall be punishable as a contempt of the court so making the said order. And the said court is hereby authorized to take such steps for the punishment of such contempt as may by law be now taken for disregarding any injunction or other order of the courts of common pleas of this Commonwealth sitting in equity and exercising equity jurisdiction. No security shall be required on the part of the petitioner for such restraining order, and the costs of the application and subsequent proceedings thereon shall be in the discretion of the court.

SEC. 11. *Reports of violations of law; prosecutions.* It shall be the duty of every constable in any city, borough, ward or township of this Commonwealth, having knowledge of any violation of this act, or whenever requested so to do by the Dairy and Food Commissioner, his agent or attorney, or by any citizen of this Commonwealth, to make report to the court of quarter sessions of the proper county, as part of his quarterly report and return to said court, of the name of every person, firm or corporation known by him to have violated any of the provisions of this act, or alleged by the person, so giving notice as aforesaid to said constable, to have violated any of the provisions of this act, and of the names of all witnesses, furnished to said constable, whose testimony it is alleged will sustain or prove the fact of such violation. And it shall be the duty of the judge of the said court to make inquiry of all constables, at the time of the making of their quarterly returns to the court of quarter sessions, as to whether they have knowledge, and whether notice has been given to them, respectively, of any violation of this act, in accordance with the terms of this section; and whenever such quarterly reports shall contain the name of any person alleged to have violated the provisions of this act, together with the names of witnesses to prove such violations, as also the name of the person giving notice to the constable, as aforesaid, the said court shall direct the district attorney to prepare an indictment against every person so named, and call and send the witnesses, whose names have been so returned, before the grand jury then sitting, in support of the said indictment; and if a true bill shall be returned by the grand jury, thereupon to issue summary process to bring in the person so charged, to answer the matters alleged in such indictment, and thereupon proceed to trial as speedily as possible, according to the course of practice in the said court of quarter sessions.

SEC. 12. *Prosecution instigated by citizen; collaboration of dairy and food commissioner; fines, costs, etc.* The Dairy and Food Commissioner shall be charged with the enforcement of all the provisions of this act; but any citizen of the Commonwealth, having knowledge or information of the violation of any of the provisions of this act, may, in the name of the Commonwealth, begin a suit for penalty or prosecution for misdemeanor, in accordance with the provisions of this act, and may prosecute to final judgment any suit or prosecution, giving notice in writing, however, to the Dairy and Food Commissioner of the commencement of such suit or prosecution immediately upon the commencement of the same, stating the nature of the proceeding and the magistrate before whom commenced, and shall in like manner report to the Dairy and Food Commissioner each successive step taken in such suit or prosecution; and such citizen shall, upon complying with the provisions of this section, be entitled to receive one-half of any penalty or fine which may be recovered in such proceeding and paid to the Dairy and Food Commissioner; and immediately upon the receipt and covering into the treasury of any such penalty or fine, recovered and paid in any proceeding commenced by a citizen, as aforesaid, the Dairy and Food Commissioner shall pay the one-half thereof to the said citizen, so commencing said proceeding and complying with the provisions of this section. Such citizen shall also be entitled to recover from the defendant his witness fees and other legal costs, as fixed by law, in said proceeding.

SEC. 13. *Disposition of fines, etc.* The money paid into the treasury under the provisions of this act shall constitute a special fund, for the use of the Department of Agriculture in enforcing this law, and may be drawn out upon warrants signed by the Secretary of Agriculture and approved by the Auditor General; subject, however, to the payment to any citizen commencing and successfully prosecuting a proceeding for any violation of this act, under the last preceding section, of one-half of the penalty or fine so recovered in such proceeding and paid into the State Treasury.

SEC. 14. *Inspection and sampling.* The Dairy and Food Commissioner, his assistants, agents, experts, chemists, detectives and counsel, duly appointed by him for the purpose, shall have full access, egress and ingress to all places of business, factories and farm buildings, carriages, cars, vessels and cans, used in the manufacture, transportation and sale of any dairy products, or of any adulteration or imitation thereof; and shall also have power and authority to open any package, can or vessel containing, or which may be supposed to contain, renovated butter, which may be manufactured, sold or exposed for sale in violation of any of the provisions of this act; and they shall also have power to take from such package, can or vessel samples for analysis, upon paying or tendering the value of such samples.

SEC. 15. *Bulletin of dairy and food commissioner.* The Dairy and Food Commissioner shall publish a semiannual bulletin, and distribute the same in the same manner as other bulletins of the Department of Agriculture are published and distributed; which semi-annual bulletin shall contain the name and address of every person, firm or corporation to whom a license has been issued for the manufacture or sale of renovated butter, and also a tabulated statement of all the actions, civil or criminal, which have been brought for the violations of this act; giving the name and address of the defendant, and the disposition of every case.

SEC. 16. *Repeal.* All parts of the act approved the fourth day of May, Anno Domini one thousand eight hundred and ninety-nine, entitled "An act to regulate the sale of butter, produced by taking original packing stock and other butter and melting the same so that the butter oil can be drawn off, mixed with skimmed milk or other material, and by emulsion or other process produce butter, and butter produced by any similar process, and commonly known as 'Boiled' or 'Process' butter; providing for the enforcement thereof, and punishment for the violation of the same," inconsistent with this act, are hereby repealed.—*Approved July 10, 1901. Laws, 1901, act 327, p. 643.*

DRUGS.

17. *Fraudulent adulteration or weakening of drugs.* No person shall knowingly, wilfully or fraudulently falsify or adulterate, or cause to be falsified or adulterated, any drug or medical substance, or any preparation authorized or recognized by the pharmacopoeia of the United States, or used or intended to be used in medicinal practice, nor mix or cause to be mixed with any such drug or medicinal substance any foreign or inert substance whatsoever, for the purpose of destroying or weakening its medicinal power and effect, and wilfully, knowingly or fraudulently sell or cause the same to be sold for medicinal purposes.

18. *Penalty.* Any person who shall violate this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, and shall forfeit to the commonwealth all articles so adulterated.—*Brightly's Purdon's Digest, vol. 1, p. 110.*

SEC. 1. *Drug adulteration defined; analyses; penalty.* Be it enacted, etc., That no person shall, within this State, manufacture for sale, offer for sale or sell, any drug which is adulterated within the meaning of this act. The term drug used herein shall include any medicinal substance or any preparation authorized or known in the "Pharmacopoeia of the United States," or the "National Formulary," or the American Homeopathic Pharmacopoeia, or the American Homeopathic Dispensatory.

A drug shall be deemed to be adulterated within the meaning of this act:

1. If any substance or substances have been mixed with it so as to depreciate and weaken its strength, purity or quality.

2. If any quality, substance or ingredient be abstracted so as to deteriorate or affect injuriously the quality or potency of the said drug.

3. If any inferior or cheaper substance or substances have been substituted in whole or in part for it.

4. If it is an imitation or is sold under the name of another drug.

5. If the drug shall be so altered that the nature, quality, substance, commercial value or medicinal value of it will not correspond to the recognized formulae or tests of the latest edition of the "National Formulary," or of the "Pharmacopoeia of the United States," or the American Pharmacopoeia, or the American Homeopathic Dispensatory, regarding quality or purity.

On complaint being entered, the State Pharmaceutical Examining Board is hereby empowered to employ an analyst or chemist expert, whose duty it will be to examine into the so called adulteration and report upon the result of his investigation, and if said report justifies such action, the board shall duly cause the prosecution of the offender as provided in this law. Whoever violates any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined a sum not exceeding one hundred dollars, or undergo an imprisonment not exceeding ninety days, or both.

SEC. 2. *Repeal.* All laws or parts of laws inconsistent herewith are hereby repealed.—*Approved May 25, 1897. Laws 1897, act 68, p. 85.*

FRUIT JUICES.

SEC. 1. *Addition of unwholesome ingredients; penalty; enforcement.* Be it enacted, etc., That from and after the passage of this act any person or persons, firm or corporation who shall knowingly sell, offer or expose for sale, or give away, any compound or preparation composed in whole or in part of any unwholesome, deleterious or poisonous acid, or other unwholesome deleterious or poisonous substance, as a substitute

for the pure, unadulterated and unfermented juice of lemons, limes, oranges, currants, grapes, apples, peaches, plums, pears, berries, quinces, or other natural fruits, representing such compound or preparation to be the pure, unadulterated and unfermented juice of any such fruits; or who, in the mixing, decoction of, preparation of, food or drink, shall knowingly use any such compound or preparation in the place of, or as a substitute for, the pure, unadulterated and unfermented juice of one or more of such fruits; shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than two hundred and fifty dollars or by imprisonment for not more than six months, or by both such fine and imprisonment, at the discretion of the court.

The agent of the Department of Agriculture, known as the Dairy and Food Commissioner of this State, shall be charged with the enforcement of all the provisions of this act, and shall have the same power to enforce the provisions of this act that is given him to enforce the provisions of the act by which he receives his appointment.

All acts or parts of acts inconsistent herewith be and the same are hereby repealed.—

Approved May 2, 1901. Laws 1901, act 89, p. 123.

ICE.

1. *Defiling of ice; prosecution; penalty.* Any person or persons who shall willfully hrow, place or cast upon the ice forming, formed or being upon any pond, stream, river, creek or canal in this commonwealth, owned or leased in whole or in part for the production of ice for sale, any timber, stone, earth or other substance, or enter upon, in anywise injure or defile the ice thereon forming, formed or being, such person or persons shall be deemed guilty of a misdemeanor, and shall and may, upon the information of any such owner, lessee, his agent or attorney, on conviction thereof before any alderman or justice of the peace in the county where the offence is committed, be fined in a sum not less than five dollars or more than fifty dollars, with costs of suit; the fines to go to the school fund of the district in which the offence was committed; and in default of payment of said fine, with costs of the suit, the party convicted may and shall, by said alderman or justice of the peace, be committed to the jail of the said county, for not less than twenty nor more than sixty days, there to remain until discharged by due course of law: *Provided*, That in all cases the person or persons complained against, may appeal from the decision of said alderman or magistrate, to the court of quarter sessions of said county, upon entering bail as in all other misdemeanors, by recognizance in the usual manner, for his appearance at said court, and said alderman or magistrate shall transmit said recognizance forthwith to the district-attorney of said county; and thereupon it shall be the duty of the district-attorney of said county to prepare a bill of indictment for said offence against said person or persons, and send the same before the grand jury of the said court, and all further proceedings therein shall be in like manner as now directed by law in other cases of misdemeanor: *And be it further provided*, That in case of conviction of such person or persons in said court, such person or persons shall be sentenced to pay a fine of not less than ten dollars nor more than one hundred dollars.—*Brighly's Purdon's Digest 1700 to 1894, vol. 1, p. 1010.*

LARD.

SEC. 1. *Compound lard must be so labeled.* *Be it enacted, etc.*, That no manufacturer or other person shall sell, deliver, prepare, put up, expose or offer for sale any lard or any article intended for use as lard, which contains any ingredient but the pure fat of swine, in any tierce, tub, bucket, pail or other vessel or wrapper or under any label bearing the words "pure," "refined," "family," or either of them alone, or in combination with other words, nor unless every vessel, wrapper or label in or

under which the article is sold or delivered or prepared, put up or exposed for sale, bears on the top or outside thereof, in letters not less than one-half inch in length and plainly exposed to view, the words, "COMPOUND LARD."

SEC. 2. *Penalty.* Any person who violates any provision of this act shall be punished by a fine not exceeding fifty dollars for the first or one hundred dollars for any subsequent offense.

SEC. 3. This act shall take effect on the first day of October, one thousand eight hundred and ninety-one.—*Approved June 8, 1891. Brightly's Purdon's Digest, 1700-1894, vol. 1, p. 1205.*

VINEGAR.

SEC. 1. *Various vinegars prohibited.* *Be it enacted, etc.,* That from and after the passage of this act no person, firm or corporate body shall manufacture for sale, offer for sale or expose for sale, sell or deliver, or have in his, her or their possession with intent to sell or deliver, any vinegar not in compliance with the provisions of this act. No vinegar shall be sold or exposed for sale as apple or cider vinegar which is not the legitimate product of pure apple juice, or vinegar not made exclusively of said apple cider, or vinegar in which foreign substances, drugs or acids shall have been introduced, as may appear upon proper test; no vinegar shall be branded fruit vinegar unless the same be made wholly from grapes, apples or other fruits.—*Amendment of May 21, 1901. Laws 1901, act 183, p. 275.*

SEC. 2. *Fermented and distilled vinegar to be so branded; foreign substances.* All vinegar made by fermentation and oxidation, without the intervention of distillation, shall be branded "fermented vinegar," with the name of the fruit or substance from which the same is made. And all vinegar made wholly or in part from distilled liquor shall be branded as "distilled vinegar," and all such distilled vinegar shall be free from coloring matter, added before, during or after distillation, and from color other than that imparted to it by the process of distillation, and shall contain not less than four per centum, by weight, of absolute acetic acid. And all vinegar shall be made wholly from the fruit or grain from which it is represented to be made, and shall contain no foreign substance: *Provided,* That this shall not be construed to prohibit the use of such an amount of spices as are necessary for flavoring, provided such spices do not color the vinegar.—*Amendment May 21, 1901. Laws 1901, act 183, p. 276.*

SEC. 3. *Injurious ingredients; branding.* No person, firm or corporate body shall manufacture for sale, offer for sale, or have in his, her or their possession with intent to sell or expose for sale, any vinegar found upon proper test to contain any preparation of lead, copper, sulphuric or other mineral acid, or other ingredients injurious to health. And all packages containing vinegar shall be plainly and distinctly marked on each head of the cask, barrel or keg containing such vinegar, or if sold in other packages, each package shall be plainly and distinctly marked with the name and residence of the manufacturer, together with the brand required in section two thereof.

SEC. 4. *Penalties and costs; enforcement of law.* Every person, firm or corporate body who shall violate any of the provisions of this act shall, for every such offense, forfeit and pay not less than fifty dollars nor more than one hundred dollars, which shall be recoverable, with costs, including expense of inspection and analysis, by any person suing in the name of the Commonwealth as debts of like amount are by law recoverable: *Provided,* That the Department of Agriculture, through its officer known as the Dairy and Food Commissioner, together with the deputies, agents and assistants, shall be charged with the enforcement of this act, and shall have full access to all places of business, factories, mills, buildings, carriages, cars, vessels, barrels, tanks and packages of whatever kind used in the manufacture and transportation and sale of any vinegar, or of any adulteration or imitation thereof, or any

package in which vinegar is mixed with articles of food. They shall also have power and authority to open any package, barrel or vessel containing any vinegar, or any adulteration or imitation thereof, which may be manufactured, sold or exposed for sale, and they shall also have full power and authority to take the samples therefrom for analysis upon tendering the value of said samples. And all charges, accounts and expenses of the Department for the enforcement of this act, through the said Commissioner and his deputies, agents, assistants, chemists, and counsel employed by him, in carrying out the provisions of this act, shall be paid by the treasurer of the State in the same manner as other accounts and expenses of the said Department are paid. And all penalties and costs for the violation of the provisions of this act shall be paid to the Dairy and Food Commissioner, or his agents, and by him immediately covered into the State treasury, to be kept as a fund for the use of the Department, and to be drawn out upon the warrant signed by the Secretary of Agriculture and the auditor general.

SEC. 5. *Further penalties; disposition of fines.* Every person who violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars, nor more than one hundred dollars, or by imprisonment in the county jail for not less than ten nor more than thirty days, or both fine and imprisonment for the first offense, and a fine of one hundred dollars and imprisonment for thirty days for every subsequent offense: *Provided*, That all fines and costs, including the expense of inspection and analysis imposed under this section, shall be covered into the State Treasury as provided by section four of this act, and all vinegar sold or offered for sale in violation of the provisions of this act shall be subject to forfeiture and spoliation.

SEC. 6. *Jurisdiction.* Magistrates and justices of the peace throughout this Commonwealth shall have jurisdiction to hear and determine actions arising for violations of the provisions of this act, and to hold for court, or impose the penalties provided therein, subject to appeal as the law shall direct.

SEC. 7. *Repeal.* All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.—*Approved June 18, 1897. Laws 1897, act 140, p. 168.*

RULINGS AND REGULATIONS OF THE STATE DEPARTMENT OF AGRICULTURE:

1. All foods manufactured, sold, offered or exposed for sale are held to be represented as pure, unless accompanied by adequate notice to the contrary, in which case they must be distinctly labeled as "mixtures" or "compounds," or as "artificial" preparations.

2. Food sold as pure must be true to name, of standard strength, quality and purity, and not a compound, mixture or an artificial preparation or imitation.

3. Where no standard of strength, quality or purity is fixed by law, the standard required shall be that adopted by the highest recognized authorities, such as the United States Pharmacopoeia, or the Association of Official Agricultural Chemists.

4. No food shall have added to it any substance or ingredient "which is poisonous or injurious to health."

5. No fraudulent or worthless article having little or no food value, shall be mixed with standard goods or substituted for them, and be sold as food under the label "compound" or "mixture;" but all foods sold under this designation must be composed of substances recognized as "ordinary articles or ingredients of articles of food."

6. The question of the admissibility of a nonpoisonous or harmless foreign substance in a food, may depend upon whether the substance introduced is necessary in order to improve the value or quality of the food, or is fraudulently added as a diluent and cheapener.

7. No food shall be sold under the name of a substance of which it contains none or only an inconsiderable quantity, and when a name is "coined" therefor such name shall not be suggestive of any substance not contained therein.

8. Foods manufactured in Pennsylvania, except where exempt by statute from such requirement, should, for the purpose of identification, be labeled with the name and address of the person or firm manufacturing them. Foods not so marked are regarded with suspicion.

9. Artificial preparations or imitations shall not be labeled "extracts," as "artificial vanilla extract," etc.

10. Where such words as "compound," "mixture," "artificially colored," etc., are required upon a label, they shall be in conspicuous places and be printed in bold, clean-faced type in letters as large and conspicuous as any upon the package, and the same designation, both as to substance, size and conspicuousness, shall be printed upon the carton.

11. The use, in food, of a moderate quantity of coloring matter that is not poisonous or injurious to health, is not prohibited, provided the goods are otherwise pure and of standard quality; except in the case of oleomargarine, milk, cream and distilled vinegar, in which the use of certain colors is prohibited by statute; but if used in foods below the established standard of strength and quality, the words "artificially colored" and "compound" or "mixture" must be printed upon the label.

12. Articles of food that can be prepared by the use of improved processes, so as to preserve them from decay or change, shall have no preservative added, other than salt, syrup, sugar, saltpetre, spice, vinegar or wood smoke.

13. When an "extract" is below standard, and yet contains a sufficient quantity of the substance after which it is named to entitle it to be labeled as a "compound" or "mixture," the percentage of its distinguishing ingredient or ingredients should be stated on its label.

14. Dry mustard must be pure. A preparation of mustard, vinegar and spices may be sold if labeled "prepared mustard." Mustard may also be sold when mixed with vinegar, spices and sufficient starch to secure a mild flavor, if labeled "prepared mustard, compound."

15. Mixtures of a spice with one or more of its valuable by-products, as pepper with pepper hulls, or pure cloves with cloves from which part of the essential oil has been removed, must be labeled "compound" or "mixture." Spice by-products, themselves possessed of spice value, must be sold under their own, distinctive names. Spice preparations with which any foreign material has been mixed shall not be sold as "compounds" or "mixtures."

16. Coffee mixed with chicory, wheat, rye, peas, etc., cannot be sold as "coffee compound."—Decision of Attorney General, January 29, 1896. Packages containing such articles may be sold if they have the name of the adulterant plainly printed on the label.

17. Candy and confections must be free from inert mineral matter, and not colored with substances poisonous or injurious to health.

18. The distinctive character of a baking powder should be stated on the label, as cream of tartar, alum, acid phosphate, etc.

19. Tin on cans in which food is preserved, and the portion of the metal tops of glass jars which is in contact with food contents, should not contain more than two per centum of lead.

NOTE.—Under the statute a dealer is liable for selling an adulterated article, although he may have no knowledge that the same is adulterated.

A guarantee of purity received from the manufacturer or jobber does not relieve a person handling adulterated goods from liability.

FOOD DEFINITIONS AND STANDARDS.

MEAT.

1. *Meat* is the dressed and properly prepared edible parts of animals, in good health at the time of slaughter, and of the kind designated.
2. Refrigeration is the only method of preservation allowable for fresh meats.
3. *Canned meats* shall contain no preservative other than salt, sugar and salt-petre, except smoked meat, which contains the products added by the process of smoking.
4. *Pickled and salted meats* shall contain no preservatives other than salt, sugar, salt-peter, vinegar, spices or other condiments.
5. *Sausage* must be prepared from meat of the quality above indicated, and must contain no preservatives other than sugar, salt, salt-peter, smoke and condiments; artificial color must not be introduced without notice of the fact.
6. *Meat extracts* must be true to name. No antiseptic, other than salt, may be used.

MILK AND BUTTER.

1. *Milk* is the normal secretion, taken by complete milking, from the udder of a healthy cow, properly fed and kept. Colostral milk is excluded.
2. *Cream* shall contain not less than 15 per centum of butter-fat.
3. *Skim-milk*, except in cities for which a different standard has been established by law, shall contain not less than 8.5 per centum of total solids not fat, and shall be free from all kinds of additions.
4. *Butter-milk*. The acid fluid of milk or cream left after the removal of the butter-fat by churning. It must be free from preservatives other than the salt employed in the manufacture of butter.
5. *Condensed milk* shall be prepared from pure and wholesome normal milk, by removal of water by evaporation; sugar may be added, but no other substances.
6. *Butter* must contain not less than 83 per centum of butter-fat.

FRUIT PREPARATIONS.

1. *Fruit-butter* must be prepared wholly from the designated fruit without addition of any substance other than cider, glucose or cane-sugar and spices.
2. *Fruit preserves, jams, marmalades and jellies* must be prepared from the designated fruits and cane-sugar, with or without the addition of glucose, but without the addition of any other substance.
3. *Fruit juice*, fresh, is the juice, or pulp, or both, of fresh, sound fruit of the variety specified on the label, without addition of any other substance.
4. *Fruit juice, sweet*, is fresh fruit juice to which sugar or glucose has been added.

SACCHARINE PRODUCTS.

1. *Molasses* is that part of the cane juice, or sugar solution, that is left upon the removal of part of the sugar. It must contain no added substance.
2. *Syrup* is the purified or evaporated juice of the cane or maple sap, insufficiently evaporated to cause crystallization of the sugar. It must contain no added substance.
3. *Glucose* is the solid, sweet, purified substance obtained by the action of acid on starch. It must be free from intermediate products.
4. *Glucose syrup*, is syrup obtained by the action of acid on starch.
5. *Honey* is the nectar of flowers and saccharine exudations of plants, gathered by bees. Honey made by feeding bees sugar, glucose, syrup or other saccharine substances, is not considered pure honey. The mixing of sugar, syrup, glucose or other similar substance with honey, is considered an adulteration.

SPICES AND CONDIMENTS.

1. *Allspice* or *pimento*, is the dried fruit of *Pimenta officinalis*.
2. *Black pepper* is the dried, immature berry of *Piper nigrum*. Pepper shells, pepper dust, and other by-products from pepper are adulterants.
3. *White pepper* is the dried mature berry of *Piper nigrum* from which the outer, or the outer and inner, coatings have been removed.
4. *Cayenne pepper*, red pepper, is the dried fruit of *Capsicum fastigiatum*, *C. frutescens*, *C. baccatum* or other small-fruited species of *Capsicum*.
5. *Cinnamon* is the dried bark of any species of the genus *Cinnamomum*, from which the outer layers may or may not have been removed.
6. *Ground cinnamon* or *ground cassia*: A powder consisting of cinnamon, cassia buds or a mixture thereof.
7. *Cloves* are the dried flower-buds of *Jambosa caryophyllus*; should contain no more than 5 per cent. of clove stems.
8. *Ginger* is the washed and dried or decorticated and dried rhizome of *Zingiber officinale*. Ground ginger shall not contain any added substance, but whole ginger coated with carbonate of lime may be sold as limed or bleached ginger.
9. *Horse-radish*, the root of *Cochlearia armoracia*; the grated or ground horse-radish may be mixed with vinegar, but with no other foreign material.
10. *Mace* is the dried arillus of *Myristica fragrans*; *Macassar* or *Papua mace*, the dried arillus of *M. argeneta*, should be sold under its own name; *Bombay mace*, *M. malabarica*, has no spice value and is therefore an adulterant.
11. *Mustard, seed*, the seeds of *Sinapis alba* (white mustard), *Brassica nigra* (black or brown mustard). *S. juncea* (sarepta mustard).
12. *Mustard, ground*, is the powdered mustard seed, of one or more varieties, with or without the removal of the hulls and a portion of the oil, but without addition of any other substance.
13. *Nutmeg* is the dried seed of *Myristica fragrans*, deprived of its testa; ground nutmegs should contain no added substance; "liming" whole nutmegs is not to be considered an adulteration.

FLAVORING EXTRACTS.

1. *Lemon extract* shall contain at least 5 per centum of the pure oil of lemon dissolved in alcohol.
2. *Vanilla extract* is the solution prepared by the maceration of the vanilla bean with alcohol and sugar.

TABLE BEVERAGES.

1. *Tea* is the dried leaves of *Thea sinensis* or other species of *Thea*, without addition of the leaves of other plants or of coloring materials injurious to health, and without having been exhausted by steeping or other means.
2. *Coffee* is the fruit of *Coffea arabica*. "Roasted coffee" is coffee that has been subjected to dry heat to develop the aroma.
3. *Chocolate* is the ground pulp of the roasted seeds of *Theobroma cacao*, from which none of the fat has been removed.
4. *Cocoa* is the ground pulp of the roasted seeds of *Theobroma cacao* from which a part of the fat has been removed, but to which nothing except the usual flavoring material has been added.
5. The addition of sugar to either chocolate or cocoa should be indicated on the label.

PHILIPPINE ISLANDS.

The board of health for the Philippine Islands is authorized to "make inquiry and investigation into * * * employments, conditions, habits, foods, beverages and medicines, etc."^a In addition to this, city counsels are authorized to control the establishment of slaughterhouses and markets and to "provide for and regulate the inspection of meats, fruits, poultry, milk, fish, vegetables, and all other articles of food."

A general drug regulation, passed by the War Department, includes the following section:

Sec. 9. Every registered pharmacist shall be held responsible for the quality of all drugs, chemicals, medicines, and poisons he may sell or keep for sale, except those sold in the original package of the manufacturer, and also those known as "patent medicines;" and it shall be unlawful for him to manufacture, prepare, sell, or administer any prescription, drug, chemical, medicine, or poison under any fraudulent name, direction, or pretense, or to adulterate any drug, chemical, medicine, or poison so used or sold, or to sell or offer for sale such adulterated drug, chemical, medicine, or poison. Any drug, chemical, medicine, or poison shall be held to be adulterated within the meaning of this ordinance, if it differs from the standard of quality or purity laid down in the "U. S. Pharmacopoeia."—*General Orders, No. 30, Manila, P. I., June 21, 1901.*

^a Public Laws and Resolutions passed by the United States Philippine Commission, act 157, section 4, subsection B, page 335.

APPENDIX.

The following additions, etc., were received too late to be inserted in the body of the text.

NORTH CAROLINA.

STANDARDS AND RULINGS OF THE BOARD OF AGRICULTURE UNDER THE PURE-FOOD LAW.

Vinegar.—To be standard, vinegar shall contain not less than 4 per cent of acetic acid. When of less strength the percentage of acetic acid must be branded on every package in which it is sold, exposed, or offered for sale. Vinegar must not contain any preparation of lead, copper, sulphuric acid, or other ingredients injurious to health, and when artificially colored the fact shall be made known by a proper label (as designated under paragraph on "Labeling") attached to every package in which it is sold, exposed, or offered for sale.

Apple cider or orchard vinegar must be made from the pure juice of apples, free from foreign substances, and must contain not less than $1\frac{1}{4}$ per cent of apple cider solids.

Other vinegars must be sold under names which represent truly the material or materials from which they are severally made, as "Malt vinegar," "Grape vinegar."

All fermented and not distilled vinegars must contain not less than $1\frac{1}{2}$ per cent of the solids of the grains or fruits from which they are made.

Distilled vinegar must be labeled and sold as such.

Milk.—Milk must be from healthy cows and must contain at least 12 per cent of total solids and 3 per cent of butter fat, unless labeled or sold as "skimmed milk" or milk below standard. Coloring matter or preservatives must not be added unless the cans from which the milk is sold are conspicuously labeled to show such addition, and written notice is served on each customer stating the kind and amount of coloring matter or preservative or both used to the gallon.

Butter.—Butter must contain not less than 80 per cent of milk fat, without admixture of any other animal or vegetable fats.

Process butter.—Deteriorated or unmarketable butter, which, by any process or remelting, or working over, has been made marketable, must be branded and sold as "Process butter," and each package so sold, offered, or exposed must be so labeled as to fairly and clearly furnish this information.

Oleomargarine.—Oleomargarine, butterine, and kindred mixtures of animal and vegetable fats, or mixtures of these with butter, must be sold under their own distinctive names as oleomargarine or butterine, and each package so sold, offered, or exposed for sale must be so labeled (as prescribed under paragraph headed "Labeling") as to furnish clearly and fairly this information.

Cheese.—Cheese not made wholly from pure, unskimmed milk or cream must be sold as "Skim milk cheese," and where other fats have to be added it must be sold as "Filled cheese," and each cheese must be so labeled as to furnish this information, as directed under the labeling paragraph.

Lard.—Lard is the rendered fat of swine and should contain not less than 99 per cent of this fat. Other fats and oils, and mixtures of them, must be sold under their true name or coin names, or as “Lard substitutes.” An admixture of other fat or fats, with a considerable percentage of lard, may be sold as “Lard compound;” otherwise it must be sold as adulterated lard.

Oils.—Oils, as olive and cotton seed, must be sold under their true names or under names that will not mislead as to their true character; and when mixed or blended the fact shall be made known by proper and conspicuous labeling on the containing vessels; otherwise they must be branded and sold as “adulterated.”

Spices and peppers.—Spices and peppers must be pure and true to name, and must not be mixed with other substances or with exhausted or impure articles of their own kind, unless labeled and sold as adulterated.

Mustard.—Dry mustard must be pure. Mixtures of mustard, vinegar, and spices may be sold as “Prepared mustard,” but must not be diluted with starch or other materials unless the fact is made known on the label.

Ciders and fruit juices.—These must be made of unadulterated fruit juices, and be sold under the name of the fruit from which made. No preservative, color, or flavor shall be added, unless the fact is made known by proper label attached to each package. When artificially colored or flavored, or both, they must be sold as “adulterated” or “imitation” products, in which case any added preservative must be made known by proper label.

Beers and wines and other alcoholic and nonalcoholic drinks and products used in making such must not contain added preservatives, coloring, or flavor, unless the fact is made known by proper label on each package. When made partly or entirely from artificial products they must be sold as “adulterated” or “imitation” products, any added preservative being made known on proper label.

Cereal and farinaceous products.—Flour, cracked and rolled wheat, oats, buckwheat, barley, and corn, and their products, rice, etc., must be true to name, and when mixed with each other or with other vegetable or mineral products the mixtures must be sold under coin names or as mixtures or compounds.

Canned goods.—Canned goods must be true to name and be free from added coloring, flavor, or preservatives, unless such addition or additions is made known by conspicuous labeling.

Candy.—Candy must not contain terra alba, kaolin, or other mineral substances, or harmful coloring or other matter.

Fruits, jellies, butter, jams, preserves, conserves, confections, and like articles must be made entirely of the fruit specified on the label and preserved only with cane sugar, and must not contain any artificial coloring, preservatives, or flavor, except spices or other wholesome natural flavoring materials, unless such added flavors, coloring, and (or) preservatives are made known on the labels. When made partly or wholly of artificial materials, or when any material to make up bulk or weight, to add flavor or color, except as indicated above, have been used, the products must be sold as “adulterated” or “imitation” products, in which case any added preservatives must be made known on the label.

Honey must not have added to it directly by man, or indirectly by feeding to the bees, glucose, cane sugar, invert sugar, or other matter not naturally occurring in pure honey, unless sold as adulterated honey, or a statement regarding the adulteration is made a part of the label attached to each package sold.

Coffee.—Coffee must be true to name and of full strength. It must not be mixed with exhausted or partially exhausted coffee or any other substance or substances, except as indicated below. If mixed with chicory or other harmless substitute allied to coffee in either flavor or strength, and not used simply as an adulterant, the mixture may be sold as “coffee compound.”

Imitations or substitutes containing no coffee must not be sold as coffee compounds, but may be sold under coin names.

Tea.—Tea, when sold, exposed, or offered for sale as such, must consist wholly of the dried leaves of the true tea plant, without artificial color, filler, or extraction of essential properties, unless conspicuously labeled as “adulterated.”

Baking powders.—Baking powders must not contain substances not necessary to their manufacture, and they must be labeled in a conspicuous way and place, either in the name of the powder itself, or elsewhere, so as to show the acid salt of which the powder is made, as “Alum baking powder,” “Alum-phosphate baking powder,” “Phosphate baking powder,” or “Cream of tartar baking powder,” and when so labeled they must be true to label.

Preservatives.—The term preservative is considered synonymous with antiseptic. Food containing any added antiseptic or preservative substance or substances, except common table salt, saltpeter, cane sugar, alcohol, vinegar, spices, or the natural products of the smoking process, shall have the presence of such preservative or preservatives made clearly known by conspicuous labeling or made known to purchasers when the article is not capable of being labeled.

Labeling.—A label must be, as far as possible, attached to each package and contain, in addition to other information, the name and address of the manufacturer or jobber. When the words “artificial,” “imitation,” “compound,” “adulterated,” or words of similar import are required, they must immediately precede or follow the word or words they modify, and be in the same size and style of type and on same kind of background as the word or words with which they are closely associated.

Where the presence of preservatives, coloring matter, or other substance or substances is required to be printed on the label, as indicated in the several paragraphs relating to different food products, the printing must be done clearly and conspicuously on the label in type not smaller than *brevier heavy gothic caps*, and on the same kind of background as the rest of the label.

Form of guaranty of purity approved by the board of agriculture as provided for in section 6 of the pure food law.

I (or we), the undersigned wholesaler, jobber, or manufacturer, in consideration of ——— (name and address), retail merchant, purchasing food from us, hereby guarantee that all food sold to ——— shall be pure within the meaning of what is known as the pure food law (an act to prevent the sale of adulterated and misbranded food: Ratified the 13th day of February, 1899), and shall conform with the requirements of said law and the standards and rulings of the Board of Agriculture as regards standards of quality, branding, and otherwise. This guaranty to remain in force till revoked in writing.

The article referred to in this guaranty is (or are) ———.

Signed ———,

Address ———,

Date ———.

GENERAL STATEMENT.

The Department of Agriculture desires the cooperation and support of manufacturers, jobbers, wholesalers, retailers, and individuals in carrying out the provisions of the pure-food law. To this end the Department—

(1) Invites suggestions, and will give hearings to interested parties regarding the present standards and rulings, others that may seem desirable, or that may be made in the future.

(2) Analyses will be made for parties within the State when samples are taken in accordance with instructions furnished by the State chemist and the required data concerning the samples are given.

(3) Analyses will be sent to parties sending samples and to parties from whom samples are taken by the Department. It is the desire of the Department to put information into the hands of manufacturers, dealers, and users of food, and to assist them in every way it can to know and to manufacture, handle, and use the best, most desirable, and most wholesome food products. The pure-food law is in the interest of the honest manufacturer, the honest dealer, and for the protection of the consumer. It should operate in this way.

OHIO.

The following comments on the administration of the pure-food laws have been forwarded by J. E. Blackburn, dairy and food commissioner of Ohio, under date of November 7, 1902:

Nearly all the so-called "pure food" laws contain an imprisonment clause as a part of the penalty prescribed for their violation. I believe this to be a mistake, and think this part of the law should be repealed and the penalty should be a fine with imprisonment only as punishment if the fine be not paid. So long as a man's liberty is jeopardized he can not, under the constitution of most States, be tried without a jury; yet if he fails to pay the fine and costs when found guilty he can be imprisoned for this reason and the law loses none of its force and effect by the change. Again, so long as the sale of adulterated food in any form is made a criminal offense a jury can not be denied the defendant, and it is here that the most persistent and dangerous violators of our pure-food laws find their greatest safety.

No matter what safeguards are thrown around the selection of a jury, there is usually one or more of the twelve who are susceptible to other influences than the law and the evidence. Where rich corporations or individuals set out to defeat or defy the law the jury system has proven the most vulnerable point of attack, and the expense involved soon exhausts the funds for prosecutions and the State is left defenseless until new appropriations are made. As soon as the jury is impaneled the chances for conviction are twelve to one against the State, for the reason that all must agree to convict while one can prevent conviction. The State, acting through its public officers in the public interest, should not be required to assume such odds.

There is a peculiar fitness in this plan, because the only object in the sale of adulterated food is a mercenary one, and the fine should be heavy and capable of prompt and positive enforcement when the guilt of the accused is established beyond a reasonable doubt, or to the satisfaction of the court.

The only objection worthy of serious consideration that would probably be urged against this plan is that it gives an injudicious officer or officious deputy too much power that might often result in "persecution." The answer to this is, the court stands between prosecutor and defendant, and should and would see that authority is not abused. On the other hand, experience has shown that when these cases come before juries, the bigger the rascal the greater chance he has for acquittal, with the result that this time-honored institution, once heralded as the safeguard of our liberties, is perverted and becomes an obstruction in the execution of the law whose efficiency its use was designed to promote.

GENERAL FOOD LAWS.

409-14. Appropriations for clerks, stenographers, chemists, etc. All fines are turned over to the State treasurer.

2133-2134. Under control of board of health.

4277-4280. Appointments under these sections are never made; obsolete.

6928-6928-1. Generally work under section 4200-6.

ALCOHOL BEVERAGES.

4327-4333. Appointments of inspectors (under section 4277) are never made.

DAIRY PRODUCTS.

4289. General food law (4200-6) is used.

4373a-4373c. General laws for the manufacture and sale of milk, butter, and cheese (4200-9-4200-43) are used.

FLOUR.

General food laws (4200-6) are used.

ICE.

Under control of city and State boards of health.

WATER.

Under control of city and State boards of health.

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